GEN

ALLEN COUNTY PUBLIC LIBRARY
3 1833 03307 9986

Gc 977.202 F77cro
Fort Wayne (Ind.)
Charter and revised
ordinances of the city of

Digitized by the Internet Archive
in 2010 with funding from
Allen County Public Library Genealogy Center

http://www.archive.org/details/charterrevisedor00fort

CHARTER

—AND—

REVISED ORDINANCES

—OF THE—

City of Fort Wayne.

To which is prefixed a Chronological Roster of Officers from 1840 to 1887.

PUBLISHED

BY ORDER OF THE COMMON COUNCIL.

PREPARED BY HENRY GOLERICK, CITY ATTORNEY.

1887.
THE SENTINEL BOOK AND JOB OFFICE,
FORT WAYNE, IND.

Allen County Public Library
900 Webster Street
PO Box 2270
Fort Wayne, IN 46801-2270

OFFICERS OF THE CITY GOVERNMENT

OF THE

CITY OF FORT WAYNE, IND.

FROM 1840 TO 1887.

Arranged by W. W. ROCKHILL, City Clerk.

NOTE.—The Original City Charter was written by Hon. F. P. Randall, and passed by Act of the General Assembly of the State of Indiana, incorporating the City of Fort Wayne, approved February 22, 1840, provided for the election, by the people, of a President (or Mayor) and six members of the Board of Trustees (or Common Council) and the election of General Officers by said Board, or Council.

1840.

Mayor—George W. Wood.
Recorder—F. P. Randall.
Attorney—F. P. Randall.
Treasurer—George F. Wright.
High Constable—Samuel S. Morss.
Collector—Samuel S. Morss, *a.*
Assessor—Robert E. Fleming.
Market Master—James Post.
Street Com.—Joseph H. McMaken.
Chief Engineer—Samuel Edsall.
Lumber Measurer—John B. Cocanour.

ALDERMEN.

William Rockhill. Samuel Edsell.
Thos. Hamilton, *b.* William S. Edsall.
Madison Sweetser, *b* William M. Moon.

a. Resigned January 15, 1881, and Joseph Berkey appointed to fill vacancy on same day.
b. Resigned May 6, 1840, and Jon. E. Hill and Joseph Morgan elected June 5, 1840, to fill the vacancies.

1841.

Mayor—George W. Wood *a.*
Recorder—F. P. Randall.
Attorney—F. P. Randall.
Treasurer—George F. Wright.
Collector—Bradford B. Stevens.
High Constable—Richard McMullen *b.*
Assessor—S. M. Black.
Lumber Measurer—John B. Cocanour.
Flour Inspector—Daniel Maginnis.
Market Master—Robert Hood,

ALDERMEN.

H. T. Dewey. Philo Rumsey.
Henry Sharp. A. S. Johns.
Charles G. French. William M. Moon.

a. Resigned July 5, 1841, and vacancy filled August 2, 1841, by election of Joseph Morgan.
b. Superseded August 2, 1841, by Bradford B. Stevens.

1842.

Mayor—Joseph Morgan,
Recorder—William Lytle.
High Constable—Bradford B. Stevens *a*
Treasurer—George F. Wright *b.*
Street Commissioner—Henry Lotz.
Assessor—Robert E. Fleming.
Collector—Edward Stapleford.
Flour Inspector—Daniel Maginnis *c.*
Lumber Measurer—John B. Coeanour.
Attorney—Henry Cooper.
Chief Engineer—William L. Moon *d.*
Surveyor—O. Bird.
Market Master—Peter Kiser.

ALDERMEN.

Hiram T. Dewey. Phio Rumsey.
Henry Cooper. Henry Sharp.
Joseph Scott. Wm. L. Moon *e.*

BOARD OF HEALTH.

Dr. John Evans. Dr. Wm. H. Brooks.
Dr. Bernard Sevenick.

a. Resigned August 3, 1842, and James Crumley elected same day to fill vacancy.
b. Resigned Sept. 10, 1842, and Edward Stapleford elected same day to fill vacancy, which he resigned Sept. 15, 1842, and was succeeded by O. W. Jefferds.
c. Resigned August 20, 2842, and Daniel Garnsey appointed Sept. 5, 1842, to fill vacancy.
d. Resigned August 26, 18,2, vacancy continued.
e. Resigned August 29, 1842, and S. C. Freeman elected Sept 26, 1842, to fill vacancy.

1843.

Mayor—Henry Lotz.
Recorder—William Lytle.
Attorney—Lucien P. Ferry.
Treasurer—Oliver W. Jefferds.
Collector—James Crumley.
High Constable—James Crumley.
Street Commissioner—Wm. Stewart.
Assessor—William Rockhill.
Chief Engineer—John Cochrane.

1843—*Continued.*

Surveyor—O. Bird.

ALDERMEN.

Franklin P. Randall.
Hugh McCulloch.
Lysander Williams.
John B. Cocanour.
Philo H. Taylor.
Melancthon W. Hubbell.

BOARD OF HEALTH.

Dr. Chas. Schmitz. Dr. H. P. Ayres.
Dr. Lewis Beecher.

1844.

Mayor—Henry Lotz *a.*
Recorder—William Lytle *b.*
Attorney—Samuel Bigger *c.*
Chief Engineer—Thomas Pritchard.
Assessor—S. M. Black.
High Constable—William Stewart.
Collector—William Stewart.
Street Commissioner—Wm. Stewart.
Treasurer—O. W. Jefferds.
Market Master—Peter Kiser.

ALDERMEN.

Morgan Lewis *d* Cleves S. Silver.
Samuel H. Shoaff. John Cochrane.
Henry Williams. John B. Dubois.

BOARD OF HEALTH.

Dr. Lewis Beecher. Dr. Chas. Schmitz.
Dr. Lewis Thompson.

a. Discharged July 1, 1844, and succeeded by John M. Wallace.
b. Resigned May 5, 1844, and Robert Lowry elected the same day to fill vacancy.
c. Superseded by John W. Dawson Dec. 9, 1844.
d Resigned August 6, 1844, and S. M. Black elected August 26, 1844, to fill vacancy.

1845.

Mayor—John M. Wallace *a.*
Recorder—O. P. Morgan.
Treasurer—O. W. Jefferds.
High Constable—W. B. Wilkinson.
Attorney—John W. Dawson.
Collector—W. B. Wilkinson.
Assessor—William H. Prince.

ALDERMEN.

S. M. Black. James Humphrey.
Philo Rumsey *b.* Charles Paige.
Henry W. Jones. John B. Dubois.

BOARD OF HEALTH.

Dr. Lewis Beecher. Dr. Chas. Schmitz.
Dr. Lewis Thompson.

a. Resigned May 8. 1846, M. W. Huxford elected May 26, 1846, to fill the unexpired term.
b. Resigned May 26, 1846, and Charles Fink elected to fill vacancy.

1846.

Mayor—M. W. Huxford.
Recorder—William Lytle *a.*
Attorney—John W. Dawson.
Assessor—Joseph Morgan.
Market Master—Robert Hood.
Treasurer—Oliver W. Jefferds.
High Constable—Cleves S. Silver.
Street Commissioner—S. M. Black.
Surveyor—S. M. Black.
Flour Inspector—I. D. G. Nelson.

ALDERMEN.

James B. Hanna *b.* Richard McMullen *c*
Henry Sharp. Samuel S. Morss *d.*
James Humphrey. CharlesFink.

BOARD OF HEALTH.

Dr. Lewis Becher. Dr. Chas. Schmitz.
Dr. Lewis Thompson.

a. Resigned June 12, 1846, and John B. Dubois elected same day to fill vacancy.
b. Resigned Oct. 5, 1846, vacancy continued.
c. Resigned May 4, 1846, and J. P. Munson elected June 1, 1846, to fill vacancy.
d. Resigned Sept. 8, 1846, and Samuel Stophlet elected Oct. 5, 1846, to fill vacancy.

1847.

Mayor—M. W. Huxford.
Recorder—John B. Dubois.
High Constable—Cleves S. Silver *a.*
Assessor—Samuel Stophlet.
Treasurer—Oliver P. Morgan.
Collector—Cleves S. Silver *a.*

ALDERMEN.

Jacob Lewis. James P. Munson *b.*
Henry Sharp. John Cocanour.
John Cochrane. Charles Fink.

BOARD OF HEALTH.

Dr. Lewis Beecher. Dr. Chas. Schmitz.
Dr. Lewis Thompson.

a. Resigned June 10, 1847, and vacancy filled same day by election of Jacob Hull.
b. Resigned May, 1847, vacancy continued.

1848.

Mayor—M. W. Huxford.
Recorder—Oliver P. Morgan.
High Constable—T. J. Price *a.*
Treasurer—N. P. Stockbridge.
Assessor—Charles G. French.
Collector—Jacob Hull.

ALDERMEN.

Charles Muhler. Henry Sharp.
John Cochrane. John B. Cocanour.
John Conger. Alex. McJunkin.

BOARD OF HALTH.

Dr. Henry Wehmer. Dr. H. P. Ayres.
Dr. C. E. Sturgis.

a. Office declared vacant Aug. 7, 1848, and Daniel Gaylord elected to fill vacancy the same day.

1849.

Mayor—William Stewart.
Recorder—Oliver P. Morgan.
High Constable—Sam'l C. Freeman *a.*
Collector—Samuel C. Freeman *a.*
Street Com'r—Sam'l C. French *a.*
Assessor—Charles G. French.
Treasurer—N. P. Stockbridge.
Chief Engineer—John B. Cocanour.

ALDERMEN.

A. M. McJunkin. Michael Hedekin.
Peter P. Bailey. B. W. Oakley.
James Humphrey. Charles Muhler.

BOARD OF HEALTH.

Dr. Henry Wehmer. Dr. H. P. Ayres.
Dr. C. E. Sturgis.

a. Appointed Jan. 6, 1851, to fill vacancy caused by John B. Cocanour's departure for California.

a. Rssigned all three offices April 6, 1849, and succeeded by John B. Griffith April 7, 1849, who resigned Sept. 14, 1849, and was succeeded same day by John Spencer.

1850.

Mayor—William Stewart.
Recorder—Oliver P. Morgan.
Attorney—William W. Carson.
Assessor—Henry R. Colerick.

ALDERMEN.

A. M. McJunkin. C. Anderson.
Henry Sharp. James Humphrey.
W. H. Briant. B. W. Oakley.

BOARD OF HEALTH.

I. D. G. Nelson. John Cochrane.
D. W. Burroughs.

1851. *a.*

Mayor—William Stewart.
Recorder—Duties performed by Mayor.
Treasurer—T. D. Dekay, Co. Treasurer.
Attorney—W. W. Carson.
High Constable—Morris Cody.
Street Commissioner—Morris Cody.
Chief Engineer—Benj. H. Tower.

ALDERMEN.

O. W. Jefferds. O. Bird.
James Howe. Peter Kiser.
D. P. Hartman. Robert Armstrong.

BOARD OF HEALTH.

I D. G. Nelson. John Cochrane.
D. W. Burroughs.

a. Charter amended by the General Assembly in 1851' act approved February 8, abolishing the offices of Treasurer, Assessor, Collector and Recorder, making it the duty of the Mayor to perform the duties of Recorder. The duties of the Treasurer, Assessor and Collector were transferred to the proper officers of the county. Section 7 of said amended act also provides for the annual election of Mayor and High Constable.

1852.

Mayor—P. G. Jones.
Recorder—Duties performed by Mayor.
Treasurer—T. D. Dekay, Co. Treas.
High Constable—Wm. Fleming.
Chief Engineer—Samuel C. Freeman.
Street Com'r—Edward Smith.

ALDERMEN.

R. McMullen. O. Bird.
H. R. Colerick. Robt. Armstrong.
James Humphrey. Jonas W. Townley.

BOARD OF HEALTH.

I. D. G. Nelson. John Cochrane.
D. W. Burroughs.

1853.

Mayor—Charles Whitmore.
Recorder—Duties performed by Mayor.
Treasurer—T. D. Dekay, Co. Treas.
High Constable—Samuel C. Freeman.
Attorney—F. P. Randall.
Street Com'r—Wm. Lannin.
Chief Engineer—S. C. Freeman.
Wood Measurer—Washington Dekay.

ALDERMEN.

John J. Trentman. James Vandegriff.
Milton Henry. Fred Nirdlinger.
John Drake *a.* Henry Drover.

BOARD OF HEALTH.

I. D. G. Nelson. John Cochrane.
D. W. Burroughs.

SCHOOL TRUSTEES.

Hugh McCulloch. Charles Case.
Wm. Stewart.

a. Resigned May 10, 1853, and succeeded by Richard Ghute, who resigned June 17, 1853.

1854 *a.*

Mayor—Charles Whitmore.
Clerk—W. E. Ellis *b.*
Treasurer—Charles Muhler.
High Constable—F. J. Frank.
Street Com'r—Bernard Hutker.
Attorney—Charles Case *c.*
Chief Engineer—Lewis Wolke.
Assessor—S. S. Morss *d.*
Sealer Weights and Measures—
D. W. Burroughs.

ALDERMEN.

William Boerger. John M. Miller.
John Orff. Moses Drake.
John Arnold. Platt J. Wise.
H. Wehmer. Isaac Lauferty.
Francis Aveline. W. H. Link.
John M. Snively. A. M. Webb.

1854—*Continued.*

BOARD OF HEALTH.

Dr. Wm. H. Brooks. Dr. P. M. Leonard.
Dr. James Ormiston *e.*

SCHOOL TRUSTEES.

James Humphrey. Henry Sharp.
Charles G. French.

a. The Act of the General Assembly of the State of Indiana, amending the Charter of Fort Wayne, approved ——, 1854, provided for the election, on the second Tuesday of March of each year, by the qualified voters, of a Mayor [who shall be the presiding officer of the Common Council], two Councilmen from each Ward, [by the voters thereof respectively], a Clerk, Assessor, Treasurer, Street Commissioner and Marshal, who shall severally hold their offices for one year.

b. Defaulter and absconded, office declared vacant July 29, 1854, and A. J. Emerick elected August 23, 1854, to fill vacancy.

c. Resigned October 18, 1854, and Isaac Jenkinson elected the same day to fill vacancy.

d. Resigned January 13, 1855, and William D. Henderson elected January 24, 1855, to fill vacancy.

e. Resigned June 1, 1854, and succeeded by Dr. Francis Lieber.

1855.

Mayor—William Stewart.
Clerk—R. N. Godfrey.
Treasurer—C. A. Rekers.
Attorney—William W. Carson.
High Constable—Patrick McGee.
Street Commissioner—John Greer.
Chief Engineer—James B. Teller *a.*
Civil Engineer—E. McElfatrick.
Market Master—John Fairfield *b.*
Sealer Weights and Meas—B. Saunders.

ALDERMEN.

P. Hoagland.	F. P. Randall.
E. Bostick.	John M. Miller.
Henry Baker.	Andrew Gamble.
John Arnold.	C. W. Allen.
Charles Fink.	A. M. Webb.

BOARD OF HEALTH.

Dr. Bricker. J. D. Worden.
F. J. Frank.

SCHOOL TRUSTEES.

Charles G. French. William Smith.
James Humphrey.

a. Succeeded by Henry Baker Oct. 15, 1855.

b. Resigned August 28, 1855, and A. M. Webb elected September 4, 1855, to fill vacancy, and succeeded by Henry Monning September 18, 1855.

1856.

Mayor—William Stewart.
Clerk—A. C. Probasco.
Treasurer—C. A. Rekers.
Assessor—Henry Crist.
Street Com'r—John Hardendorf.
Marshal—Patrick McGee.
Civil Engineer—Charles Forbes.
Chief Engineer—S. C. Freeman.
Sealer Weights and Measures—
S. C. Freeman.
Attorney——— *b.*

ALDERMEN *c.*

James Ormiston.	Thomas Stevens.
Michael Hedekin.	Henry Baker.
Herman Niermann.	J. D. Worden.
William McKinley.	Wm. T. Pratt.
A. M. Webb.	Conrad Baker.

BOARD OF HEALTH.

Dr. H. Wehmer. John Cochrane.
Thomas Tigar.

SCHOOL TRUSTEES.

F. P. Randall *d.* Chas. G. French.
James Humphrey.
John M. Miller. Charles E. Sturgis.

a. Resigned May 27, 1856, and Thomas Meegan elected to fill vacancy June 3, 1856.

b. On motion of Councilman Webb the office of City Attorney was abolished.

c. Wards reduced from 6 to 5, with two aldermen from each.

d. Succeeded by Pliny Hoagland.

1857.

Mayor—Samuel S. Morss.
Clerk—Christian Tresselt.
Treasurer—Conrad Nill.
Marshal—Patrick McGee.
Street Commissioner—Christian Cook.
Chief Engineer—George Humphrey.
Assessor—James Howe.
Market Master—William Stewart.
Sealer Weights and Measures—
Benjamin Saunders.

BOARD OF HEALTH.

D. H. Wehmer. John Cochrane.
O. W. Jefferds.

SCHOOL TRUSTEES.

Wm. Rockhill, Wm. H. Link.
James Humphrey,
Charles E. Sturgis. John M. Miller.

1858.

Mayor—Samuel S. Morss.
Clerk—J. C. Davis.
Treasurer—W. H. Link *a.*
Assessor—Joseph Price.
Marshal—Patrick McGee.
Chief Engineer—L. T. Bourie.
Civil Engineer—Samuel McElfatrick.
Street Commissioner—Charles Baker.
Market Master—William Stewart.
Attorney—John J. Glenn.

ALDERMEN.

H. N. Putnam.	John M. Miller.
E. Vordermark.	John S. Irwin.
Charles D. Bond.	Jacob Fœllinger.
William T. Pratt.	O. D. Hurd.
A. M. Webb.	Christian Becker.

SCHOOL TRUSTEES.

Thomas Tigar. Wm. Edsall.
Charles G. French.
Wm. Rockhill. James Humphrey.

a. Resigned April 21, 1859, vacancy continued.

1859—1860.

Mayor—Franklin P. Randall.
Clerk—Moses Drake, Jr.
Treasurer—William Stewart.
Marshal—Joseph Price.
Street Commissioner—Henry Tons.
Market Master—William Miller.
Chief Engineer—George Humphrey.
Sealer Weights and Meas.—Pat McGee.
Assessor—H. H. Bossler.

ALDERMEN.

John Trentman *b.*	B. D. Miner *a.*
John Burt *a.*	Daniel Nestel *a.*
Benj. H. Tower *a.*	A. C. Beaver *b.*
Morris Cody *b.*	O. D. Hurd *b.*
Herman Nierman *b.*	Jas. Humphrey *a.*

Aldermen marked a drew the long term, and those marked b the short term.

BOARD OF HEALTH.

Dr. B. S. Woodworth. Jas. H. Robinson.
Dr. L. Meinderman.

SCHOOL TRUSTEES.

Samuel Edsall. Chas, E. Sturgis.
Oliver P. Morgan.
Robert E. Fleming. Thomas Tigar.

1861—1862. *a.*

Mayor—Franklin P. Randall.
Clerk—L. T. Bourie.
Treasurer—H. N. Putnam.
Marshal—Patrick McGee.
Street Com'r—Henry Tons *b.*
Attorney—Wm. S. Smith.
Chief Engineer—O. D. Hurd *c.*
Civil Engineer—O. Bird.
Barr St. Market Master—
W. D. Henderson.
Broadway Market Master—
J. S. Leach *d.*
Sealer Weights and Measures—
Joseph Price.

ALDERMEN.

John Burt.	Morris Cody.
Benj. H. Tower.	Edward Slocum.
Daniel Nestel.	C. D. Piepenbrink.
B. H. Kimball.	B. D. Miner *e.*
James Humphrey.	John S. Harrington.

BOARD OF HEALTH.

Dr. E. Sturgis. M. Hedekin.
Wm. H. Bryant.

SCHOOL TRUSTEES.

Wm. Rockhill. James H. Robinson.
John C. Davis.
Orin D. Hurd. Oliver P. Morgan.

The above Board of Health, appointed May 7, 1861, failing to qualify, Drs. B. S. Woodworth, C. Schmitz and Henry Baker were appointed July 9, 1861, as such Board.

a. An Act to repeal all general laws now in force for the incorporation of cities, prescribing their rights and powers, and the manner in which they shall exercise the same, approved March 9, 1857, among other things prescribes that after the first general election, the officers of said city shall respectively hold their offices two years each. The Councilmen shall be chosen by the legal voters of their respective wards, and one Councilman from each ward, to be determined by lot at the first regular meeting after the election, shall hold his office two years, and the other, to be determined in like manner, shall hold his office for four years, and biennially thereafter one Councilman shall be elected by the legal voters of each ward.

b. Resigned February 11, 1861, and C. W. Lindlag elected February 25, 1862, to fill the vacancy.

c. Superseded by Jos. A. Stellwagon Oct. 8, 1861.

d. Resigned July 23, 1861.

e. Resigned November 12, 1861, and Fred Nirdlinger elected Dec. 7, 1861, to fill vacancy.

1863—1864.

Mayor—Franklin P. Randall.
Clerk—E. L. Chittenden.
Treasurer—John Conger.
Marshal—Patrick McGee.
Attorney—Joseph S. France.
Market Master—W. D. Henderson *a.*
Assessor—S. C. Freeman.
Civil Engineer—John S. Mower.
Chief Engineer—L. T. Bourie *b.*
Street Commissioner—C. W. Lindlag.
Wood Measurer—Patrick Ryan *c.*
Captain of Police—C. D. Pens *d.*

ALDERMEN.

Morris Cody.	J. S. Harrington *e.*
Henry Monning.	C. D. Piepenbrink.
A. F. Schele *f.*	Dennis Downey.
B. H. Kimball.	H. Niermann *g.*
Edw. Slocum *h.*	Benj. H. Tower.

BOARD OF HEALTH.

Dr. B. S. Woodworth. Dr. Chas. Schmitz
Dr. W. H. Meyers.

SCHOOL TRUSTEES.

Samuel Edsall *i.* A. Martin *i.*
Ochmig Bird.
Christian Orff. Charles E. Sturgis.

a. Resigned May 10, 1864, and Thomas D. Beard elected same day to fill vacancy.

b. Superseded by Joseph A. Stellwagon, February 9, 1864, and Stellwagon resigned June 14, 1864, and on same day Munson VanGieson was unanimously elected to fill the vacancy.

c. Discharged December 8, 1863, and reinstated December 22, 1863.

d. Resigned February 4, 1864, and William Ward elected March 22, 1864, to fill vacancy.

e. Resigned December 8, 1853, and C. Neireiter elected December 30, 1863, to fill the vacancy.

f. Resigned January 24, 1865, vacancy continued.

g. Resigned July 12, 1864, and P. Hoagland elected August 13, 1864, to fill vacancy.

h. Resigned April 11, 1863, to accept the office of School Trustee, and Wm. Waddington elected May 2, 1865, to fill the vacancy.

i Emanuel Bostick and Virgil M. Kimball served the unexpired terms of Samuel Edsall and A. Martin.

1865—1866.

Mayor—James L. Worden *a.*
Clerk—E. L. Chittenden.
Treasurer—John Conger.
Attorney—Franklin P. Randall.
Marshal—Patrick McGee.
Assessor—John B. Rekers *b.*
Street Commissioner—P. Falahee.
Civil Engineer—W. S. Gilkison *c.*
Chief Engineer—Munson VanGieson.
Market Master—Thomas D. Beard *d.*
Captain of Police—William Ward.
Sealer Weights and Measures—— *e.*

ALDERMEN.

Morris Cody.	A. P. Edgerton.
B. H. Kimball.	Fred Nirdlinger.
P. S. Underhill.	Dennis Downey.
P. Hoagland.	Henry Monning *f.*
B. H. Tower.	Wm. Waddington.

BOARD OF HEALTH.

Dr. I. N. Rosenthal. Dr. T. McCullough. Dr. B. S. Woodworth.

SCHOOL TRUSTEES.

Oliver P. Morgan. Dr. John S. Irwin. Edward Slocum.

By the Amended Charter, approved December 20, 1865, the Civil Engineer and Assessor are appointed by the Council, instead of, as heretofore, by the people. The offices of Auditor and City Judge were created, if the Council deemed expedient. The terms of Councilmen were changed so that the successors of Councilmen now acting, whose terms expire in May, 1867, shall be elected for one year, and the successors of the Councilmen whose terms expire May 1869, shall be elected biennially.

a. Resigned September 11, 1866. B H. Tower was elected President of the Council on the same day and Benjamin Saunders chosen acting Mayor.
b. Resigned October 10, 1865, and A. C. Probasco appointed Dec. 27, 1865, to fill the vacancy.
c. Resignation presented March 12, 1867, and laid on the table and C. S. Brackenridge appointed deputy.
d. Superseded May 8, 1866, by Wm Kanning.
e. The office of Sealer Weights and Measures abolished by the Council in 1864.
f. Resigned June 19, 1866, having received the nomination of County Treasurer, and David Hoit elected August 4, 1866, to fill vacancy.

1867—1868.

Mayor—Henry Sharp.
Clerk—E. L. Chittenden.
Treasurer—C. Piepenbrink.
Attorney—R. S. Robertson.
Marshal—Wm. Lindeman.
Assessor—George Fisher.
Street Com'r—William H. Briant.
Civil Engineer—C. S. Brackenridge.
Chief Engineer—Joseph B. Fry *a.*
Market Master—William Kanning *b.*
Captain of Police—William Ward.

ALDERMEN.

John Arnold.	*George DeWald.**
B. H. Kimball.	Fred Nirdlinger.
Jacob C. Bowser.	A. P. Edgerton.
George Link.	B. W. Oakley *c.*
Morris Cody.	*M. Hogan.**
W. T. McKean.	*John Taylor.**
John Cochrane.	*George Jacoby.*
Joseph March.	Wm. Waddington.

BOARD OF HEALTH.

Dr. I. M. Rosenthal. Dr. T. McCullough. Dr. B. S. Woodworth.

SCHOOL TRUSTEES.

Oliver P. Morgan. Dr. John S. Irwin. Edward Slocum.

By the Amended Charter, approved March 14, 1867, the Civil Engineer, Assessor and Street Commissioner were appointed by the Council.

At the May election, 1867, the Sixth, Seventh and Eighth wards were constituted, and at the special election held therein May 25, 1867, elected their Councilmen—in italics—who, having drawn lots for term of office, resulting in the gentlemen marked with a [*] drawing the long term.

At the May election, 1868, the Sixth, Seventh and Eighth wards held election of one Councilman each to serve two years, resulting in the choice of N. C. Miller from the Sixth. George Jacoby from the Seventh, and George Link from the Eighth.

a. Superseded by Hiram Poyser May 26, 1868.
b. Superseded by Wm. Schneider May 26, 1868.
c. Mr. Oakley having removed from the Third ward, his seat was declared vacant, and John B. Krudop elected in his seat, and qualified Nov. 12, 1868.

1869—1870.

Mayor---Franklin P. Randall.
Clerk---Samuel P. Freeman.
Treasurer-- Christian Piepenbrink.
Attorney---Allen Zollars.
Marshal---Patrick McGee.
Assessor---E. C. Pens.
Street Com'r---B. L. P. Williard.
Civil Engineer---C. S. Brackenridge.
Chief Engineer---Thomas Mannix.
Market Master---Wm. Schneider.
Capt. of Police (1869)---F. R. Limecooly.
Capt. of Police (1870)---Patrick McGee.

ALDERMEN.

Jacob C. Bowser.	George Doerfler.
T. Hogan.	J. R. Prentiss.
G. W. Brackenridge.	Michael Hedekin.
George Jacoby.	M. F. Schmetzer.
O. E. Bradway.	J. D. Hance.
George Link.	Henry Trier.
A. H. Carier.	T. J. Hutchinson.
N. H. Miller.	Wm. Waddington.

BOARD OF HEALTH.

Dr. I. M. Rosenthal. Dr. A. J. Erwin. Dr. W. H. Meyers.

SCHOOL TRUSTEES.

Oliver P. Morgan. Dr. John S. Irwin. Edward Slocum *a.*

a. Pliny Hoagland filled unexpired term.

1871—1872.

Mayor---Franklin P. Randall.
Attorney---Allen Zollars.
Treasurer-- John A. Droegemeyer.
Clerk---Samuel P. Freeman.
Civil Engineer---C. S. Brackenridge.
Chief Engineer---Thomas Mannix.
Marshal---Charles Uplegger.
Capt. of Police (1871)---D. Meyer.
Capt. of Police (1869)---M. Singleton.
Market Master---Wm. Schneider.
Street Com'r---B. L. P. Williard.

ALDERMEN.

O. E. Bradway.	John Bull.
A. H. Carier.	L. Dessauer.
Wm. Fisher.	J. S. Goshorn.
T. Hogan.	Samuel Hanna.
O. P. Morgan.	John Schoepf.
Wm. Tegtmeyer.	Conrad Tremmel.
B. H. Tower.	P. S. Underhill.
G. H. Wilson.	Wm. Waddington.

SCHOOL TRUSTEES.

Oliver P. Morgan. Dr. John S. Irwin.
Pliny Hoagland.

1873.

Mayor—C. A. Zollinger.
Attorney—L. Newberger.
Clerk—Samuel P. Freeman.
Treasurer—John A. Droegemeyer.
Civil Engineer—C. S. Brackenridge.
Chief Engineer—Frank B. Vogel.
Marshal—Christopher Kelly.
Captain of Police—M. Singleton.
Market Master—William Schneider.
Street Commissioner—Henry Trier.

ALDERMEN.

H. N. Putnam.	William McKean.
Mont. Hamilton.	O. P. Morgan.
L. Dessauer.	William Meyer.
Chas. McCulloch.	Wm. McPhail.
Christian Becker.	Peter Hohnhaus.
Timothy Hogan.	John Schoepf.
George Jacoby.	John Iten.
Henry Schone.	Henry Schnelker.
Henry Stoll.	James Lillie.

BOARD OF HEALTH.

Dr. I. M. Rosenthal. Dr. J. M. Josse.
Dr. W. H. Meyers.

SCHOOL TRUSTEES.

A. P. Edgerton. Dr. John S. Irwin.
Pliny Hoagland.

1874.

Mayor—C. A. Zollinger.
Clerk—John M. Godown.
Treasurer—Charles M. Barton.
Civil Engineer—Chas. S. Brackenridge.
Chief Engineer—Thomas Mannix.
Marshal—Christopher Kelly.
Capt. of Police—M. Singleton.
Market Master—Martin Schram.
Street Commissioner—Henry Trier.
Attorney—L. Newberger.

ALDERMEN.

W. T. McKean.	Peter Hohnhaus.
H. N. Putnam.	Timothy Hogan.
M. Hamilton.	Nicholas DeWald.
Christian Hettler.	John Iten.
E. L. Chittenden.	Conrad Tremmel.
Wm. Meyer.	Henry Schone.
Chas. McCulloch.	Henry Schnelker.
Henry Graffe.	Henry Stoll.
Geo. H. Wilson.	Christ. Schaffer.

BOARD OF HEALTH.

Dr. T. J. Dills. Dr. J. M. Josse.
Dr. Th. Heuchling.

SCHOOL TRUSTEES.

A. P. Edgerton. Dr. John S. Irwin.
Pliny Hoagland.

1875.

Mayor—C. A. Zollinger.
Clerk—John M. Godown.
Treasurer—Charles M. Barton.
Civil Engineer—John Ryall.
Chief Engineer—F. B. Vogel.
Marshal—Christopher Kelly.
Capt. of Police—M. Singleton.
Market Master—Martin Schram.
Street Commissioner—Conrad Baker.
Attorney—Allen Zollars.

ALDERMEN.

W. T. McKean.	D. L. Harding.
H. N. Putnam.	Timothy Hogan.
J. B. White.	Nicholas DeWald.
Christian Hettler.	Silas Tam.
E. L. Chittenden.	Conrad Tremmel.
Michael Baltes.	F. M. Willenberg.
Chas. A. Munson.	Henry Schnelker.
Henry G. Graffe.	John Wilkinson.
Geo. H. Wilson.	Christ. Schaffer.

SCHOOL TRUSTEES.

A. P. Edgerton. O. P. Morgan.
Pliny Hoagland.

1876.

Mayor—C. A. Zollinger.
Clerk—John M. Godown.
Treasurer—Charles M. Barton.
Civil Engineer—John Ryall.
Chief Engineer—Frank A. Vogel.
Marshal—Christopher Kelly.
Capt. of Police—Hugh M. Diehl.
Street Commissioner—Conrad Baker.
Market Master—William Schneider.
Attorney—Allen Zollars.

ALDERMEN.

W. T. McKean.	W. H. Withers.
H. N. Putnam.	Tim. Hogan.
Christian Hettler.	D. B. Strope.
J. B. White.	Joshua Holmes.
E. L. Chittenden.	Silas Tam.
M. Baltes.	Henry Schnelker.
C. F. Muhler.	F. M. Willenburg.
E. Zarbaugh.	John Wilkinson.
D. L. Harding.	Chas. F. Pfeiffer.

SCHOOL TRUSTEES.

A. P. Edgerton. O. P. Morgan.
Pliny Hoagland.

1877.

Mayor—C. A. Zollinger.
Clerk—John M. Godown *a.*
Treasurer—Charles M. Barton.
Civil Engineer—John Ryall.
Chief Engineer—Frank B. Vogel.
Marshal—Christopher Kelly.
Capt. of Police—Hugh M. Diehl.
Street Com'r—Dennis O'Brien.
Market Master—Wm. Schneider.
Attorney—Henry Colerick.

ALDERMEN.

Sol D. Bash.	C. H. Leinker.
James Breen.	C. F. Muhler.
E. L. Chittenden.	C. F. Pfeiffer.
M. Cody.	H. N. Putnam.
A. T. Dreyer.	Charles Reese.
James E. Graham.	H. Schnelker.
C. Hettler.	D. B. Strope.
Tim Hogan.	W. H. Withers.
Joshua Holmes.	E. Zarbaugh.

SCHOOL TRUSTEES.

A. P. Edgerton. O. P. Morgan.
Pliny Hoagland.

a. John H. Trentman, clerk elect, took his office on the first Monday in September.

1878.

Mayor—C. A. Zollinger.
Clerk—John H. Trentman.
Treasurer—Charles M. Barton.
Civil Engineer—John W. Ryall.
Chief Engineer—Frank B. Vogel.
Attorney—Henry Colerick.
Marshal—Christopher Kelly.
Capt. of Police—E. B. Smith.
Street Com'r—Dennis O'Brien.
Market Master—Wm. Schneider.

ALDERMEN.

Sol D. Bash.	Joshua Holmes.
James Breen.	C. H. Leinker.
E. L. Chittenden.	F. H. McCulloch.
M. Cody.	C. F. Muhler.
A. T. Dreyer.	H. N. Putnam.
Louis Fox.	Chas. Reese.
Jas. E. Graham.	J. M. Reidmiller.
C. Hettler.	John Vordermark.
Tim Hogan.	John Wilkinson.

SCHOOL TRUSTEES.

A. P. Edgerton. O. P. Morgan.
Pliny Hoagland.

1879.

Mayor—C. A. Zollinger.
Clerk—John H. Trentman.
Treasurer—Chas. M. Barton.
Civil Engineer—John W. Ryall *a.*
Chief Engineer—Frank B. Vogel.
Attorney—Henry Colerick.
Marshal—Hugh M. Diehl.
Capt. of Police—E. B. Smith.
Street Com'r—Dennis O'Brien.
Market Master—Martin Schram.

ALDERMEN.

Sol D. Bash.	John Mohr, Jr.
E. L. Chittenden.	C. F. Muhler.
A. T. Dreyer *b.*	H. N. Putnam *c.*
Louis Fox.	Chas. Reese.
M. Hamilton.	J. M. Riedmiller.
C. Hettler.	James Ryan.
Joshua Holmes.	J. Vordermark.
John Lillie, Jr.	John H. Welch.
F. H. McCulloch.	John Wilkinson.

SCHOOL TRUSTEES.

A. P. Edgerton. O. P. Morgan.
Pliny Hoagland.

WATER WORKS TRUSTEES.

Christian Boseker. Chas. McCulloch.
Henry B. Monning.

a. Died March 1, 1879, and C. S. Brackenridge appointed by Council March 11, 1879, to fill vacancy.
b. Died Nov. 10, 1879, and John Noll elected Dec. 2, 1879, to fill vacancy.
c Died June 13, 1879, and W. T. McKean elected to fill vacancy.

1880.

Mayor—C. A. Zollinger.
Clerk—John H. Trentman.
Treasurer—Charles M. Barton.
Civil Engineer—C. S. Brackenridge.
Chief Engineer—Frank B. Vogel.
Attorney—Henry Colerick.
Marshal—Hugh M. Diehl.
Capt. of Police—E. B. Smith.
Street Com'r—Dennis O'Brien.
Market Master—Martin Schram.
Assessor—John G. Maier *a.*

ALDERMEN.

Sol D. Bash.	John Noll.
L. Brames.	Charles Reese.
Louis Fox.	J. M. Riedmiller.
M. Hamilton.	James Ryan.
C. Hettler.	J. W. Vordermark.
Jno. Lillie, Jr.	John Welch.
F. H. McCulloch.	John Wessel, Sr.
John Mohr, Jr.	A. Wolf.
Chas. Muhler.	Jno. Wilkinson *b.*

SCHOOL TRUSTEES.

A. P. Edgerton. O. P. Morgan.
Max Nirdlinger.

WATER WORKS TRUSTEES.

Chas. McCulloch. H. B. Monning.
Christian Boseker.

a. Died July 5, 1880, and Louis Jocquel elected by council July 14, 1880, to fill vacancy.
b. Resigned Sept. 14, 1880, and Chas. Pape elected to fill vacancy.

1881.

Mayor—C. A. Zollinger.
Clerk—John H. Trentman *a.*
Treasurer—Charles M. Barton.
Civil Engineer—C. S. Brackenridge.
Chief Engineer—Frank B. Vogel.
Attorney—Henry Colerick.
Marshal—Frank Falker.
Chief Police—Eugene B. Smith.
Street Com'r—Dennis O'Brien.
Market Master—Martin Schram.
Assessor—Louis Jocquel.

ALDERMEN.

Fred C. Boltz.	Chas. F. Muhler.
L. Brames.	Charles Pape.
E. L. Chittenden.	Charles Reese.
Wm. Doehrman.	J. M. Reidmiller.
Louis Fox.	J. W. Vordermark
M. Hamilton.	John Welch.
C. Hettler.	John Wessel, Sr.
F. H. McCulloch *b.*	P. J. Wise.
John Mohr, Jr.	A. Wolf.

J

1881—*Continued.*

SCHOOL TRUSTEES.

A. P. Edgerton. O. P. Morgan.
Max Nirdlinger.

WATER WORKS TRUSTEES.

H. B. Monning. Chris. Boseker.
Charles McCulloch.

a. Succeeded by W. W. Rockhill Sept. 5.
b. Resigned Aug. 20, and Wm. Yergens elected Sept. 27, 1881, to fill vacancy.

1882.

Mayor—C. A. Zollinger.
Clerk—W. W. Rockhill.
Treasurer—Charles M. Barton.
Civil Engineer—C. S. Brackenridge.
Chief Engineer—Henry Hilbrecht.
Attorney—Henry Colerick.
Marshal—Frank Falker.
Chief Police—Hugh M. Diehl.
Street Com'r—Dennis O'Brien.
Market Master—Wm. Henze *a.*
Assessor—Louis Jocquel.
Health Officer—Dr. W. H. Myers.

ALDERMEN.

George J. Alter.	Charles Pape.
Fred C. Boltz.	Charles Reese.
Louis Brames.	J. Sion Smith.
E. L. Chittenden *b.*	J. W. Vordermark.
Wm. Doehrman.	John Welch.
M. Hamilton.	John Wessel, Sr.
C. Hettler *c.*	P. J. Wise.
Herman Michael.	A. Wolf.
C. F. Muhler.	Wm. Yergens.

SCHOOL TRUSTEES.

A. P. Edgerton. O. P. Morgan.
Max Nirdlinger.

WATER WORKS TRUSTEES.

Chris. Boseker. Chas. McCulloch.
James Breen.

a. Deposed December 12, 1882.
b. Resigned Dec, 26, 1882, to accept a seat in the Legislature, and vacancy continued.
c. Resigned Jan. 23, 1883, and vacancy continued.

1883.

Mayor—C. A. Zollinger.
Clerk—W. W. Rockhill.
Treasurer—Henry C. Berghoff.
Civil Engineer—W. S. Goshorn.
Chief Engineer—H. Hilbrecht.
Attorney—H. Colerick.
Marshal—Frank Falker.
Chief Police—Hugh M. Diehl.
Street Com'r—Dennis O'Brien.
Market Master—Martin Schram.
Assessor—Louis Jocquel.
Health Officer—Dr. Theo. Heuchling.

COUNCILMEN.

Fred C. Boltz.	Charles Pape.
Lewis Brames.	J. M. Reidmiller.
Wm. Doehrman.	J. Zion Smith.
M. Hamilton.	J. W. Vordermark
Christian Kramer.	Jno. H. Welch.
S. C. Lumbard.	John Wessel, Sr.
Herman Michael.	A. Wolf.
John Mohr, Jr.	James Woulfe.
Terrence Martin.	Wm. Yergens.

SCHOOL TRUSTEES.

A. P. Edgerton. O. P. Morgan.
Max Nirdlinger.

WATER WORKS TRUSTEES.

Charles McCulloch. James Breen.
John F. W. Meyer.

1884.

Mayor—C. A. Zollinger.
Clerk—W. W. Rockhill.
Treasurer—Henry C. Berghoff.
Civil Engineer—W. S. Goshorn *a.*
Chief Engineer—H. Hilbrecht.
Attorney—Henry Colerick.
Marshal—Frank Falker *b.*
Chief Police—Hugh M. Diehl.
Street Com'r—Dennis O'Brien.
Market Master—Martin Schram.
Assessor—Louis Jocquel.
Health Officer—{ Dr. T. Heuchling *c.* / Dr. Sam'l Metcalf.

COUNCILMEN.

Fred C. Boltz.	Herman Michael.
George W. Ely.	John Mohr, Jr.
Wm. Doehrman.	Jos. R. Prentiss.
M. Hamilton.	J. M. Riedmiller.
Christian Kramer.	Peter J. Schied.
John C. Kensill.	J. W. Vordermark.
Edmund Lincoln.	John H. Welch.
S. C. Lumbard.	Abraham Wolf.
Terrence Martin.	James Woulfe.

1884—*Continued.*

SCHOOL TRUSTEES.

A. P. Edgerton. O. P. Morgan.
Max Nirdlinger.

WATER WORKS TRUSTEES.

James Breen. John F. W. Meyer.
Charles McCulloch.

a. Resigned March 11, 1884, and Jesse R. Straughan appointed same day.

b. Resigned March 11, 1884, and Diedrich Meyer appointed same day.

c. Office declared vacant by council and Dr. S. C. Metcalf elected to fill vacancy.

1885.

Mayor—Charles F. Muhler.
Clerk—W. W. Rockhill.
Treasurer—Henry C. Berghoff.
Civil Engineer—Jacob Goshorn.
Chief Engineer—Henry Hilbrecht.
Attorney—Henry Colerick.
Marshal—D. Meyer.
Chief Police—Hugh M. Diehl.
Street Com'r—Dennis O'Brien.
Market Master—Wm. Ropa.
Weigh Master—Patrick Ryan.
Assessor—Charles Reese.
Health Officer—Dr. S. C. Metcalf.

COUNCILMEN.

Wm. Doehrman.	Amie Racine.
George Ely.	P. J. Schied.
Anthony Kelker.	Jos. A. M. Storm.
John C. Kensill.	F. D. Schwartz.
Crhistian Kramer.	Christian Tresselt,
Edmund Lincoln.	J. Vordermark *a.*
Herman Michael.	John Wessel, Jr.
John Mohr, Jr.	Abram Wolf *b.*
J. R. Prentiss.	James Woulfe.

SCHOOL TRUSTEES.

A. P. Edgerton. O. P. Morgan.
Max Nirdlinger.

WATER WORKS TRUSTEES.

John F. W. Meyer. Chas. McCulloch.
T. B. Hedekin.

a. Resigned and Frank Gocke elected to fill vacancy.

b. Resigned and H. A. Read elected to fill vacancy.

1886.

Mayor—Charles F. Muhler.
Clerk—W. W. Rockhill.
Treasurer—Henry C. Berghoff.
Civil Engineer—J. S. Goshorn.
Chief of Fire Dep't—Henry Hilbrecht.
Attorney—Henry Colerick.
Marshal—Diedrich Meyer.
Chief of Police—Hugh M. Diehl.
Street Com'r—Dennis O'Brien.
Market Master—Wm. Ropa.
Assessor—Charles Reese.
Weigh Master—Patrick Ryan.
Pound Master—Philip Munch.
Health Officer—Dr. S. C. Metcalf.

COUNCILMEN.

C. H. Buttenbender.	Dennis Monahan.
Wm. Doehrman.	A. Racine.
Geo. W. Ely *a*.	H. A. Read.
Levi Griffith.	Peter J. Schied.
Ch. F. Haiber.	Jos. A. M. Storm.
John C. Kensill.	Fred'k Schwartz.
Anthony Kelker.	Chris. Tresselt.
Christian Kramer.	John Wessel, Jr.
Herman Michael.	James Woulfe.

SCHOOL TRUSTEES.

A. P. Edgerton. O. P. Morgan.
John M. Moritz.

WATER WORKS TRUSTEES.

Chas. McCulloch. T. B. Hedekin.
John F. W. Meyer.

a. The election of Geo. W. Ely was contested in the court and Milton N. Webber declared elected, September 28, 1886.

1887.

Mayor—Charles F. Muhler.
Clerk—W. W. Rockhill.
Treasurer—Henry C. Berghoff.
Civil Engineer—J. S. Goshorn.
Chief Fire Dep't—H. Hilbrecht.
Attorney—Henry Colerick.
Marshal—Diedrich Meyer.
Chief of Police—Hugh M. Diehl.
Street Com'r—Dennis O'Brien.
Market Master—Wm. Ropa.
Assessor—Charles Reese.
Weigh Master—Patrick Ryan.
Pound Master—M. Miller.
Health Officer—Dr. S. C. Metcalf.

COUNCILMEN.

C. H. Buttenbender.	Herman Michael.
Wm. Doehrman.	Dennis Monahan.
Levi Griffith.	H. A. Read.
Louis Hazzard.	Peter J. Schied.
Chas. F. Haiber.	Chris. Tresselt *a*.
Anthony Kelker.	J. J. Williams.
John C. Kensill.	John Wessel, Jr.
Daniel Lahmeyer.	James Woulfe.
Wm. D. Meyer.	M. N. Webber.

SCHOOL TRUSTEES.

A. P. Edgerton. O. P. Morgan.
John M. Moritz.

WATER WORKS TRUSTEES.

T. B. Hedekin. Jno. F. W. Meyer.
E. B. Kunkle.

a. The election held May 3d for Councilman in the Second ward resulted in a tie between C. Tresselt and D. Shordon. At a special election held June 8th Daniel Shordon was elected.

REVISED CHARTER.

REVISED CHARTER.

AN ACT FOR THE INCORPORATION OF CITIES.

AN ACT to repeal all general laws now in force for the incorporation of cities and to provide for the incorporation of cities, prescribing their powers and rights, and the manner in which they shall exercise the same, and to regulate such other matters as properly pertain thereto.

APPROVED MARCH 14, 1867.

CHAPTER I.

INCORPORATION OF CITIES.

3031. Petition—Order for Census. 1. Whenever one-third of the voters of any incorporated town, so far as the number can be estimated, shall petition the Board of Trustees thereof, or Common Council of any incorporated city, to be incorporated as a city under this act, such Board of Trustees or Common Council, by an order or resolution to that effect entered on their Order Book, shall direct the Marshal or other officer thereof, by a proper warrant, furnishing him with the proper forms, to take the census of all persons who were residents within the corporate limits of such city or town at least forty days anterior to the date of such order. *Provided, however*, that if it shall appear to said Board of Trustees or Common Council by the last census of this State or of the United States, or by any enumeration made by the order of the Board of Trustees or Common Council of said city or town within two years from the date of the receipt of such petition, that said town or city had two thousand five hundred inhabitants, said Board of Trustees or Common Council shall be at liberty to proceed in all respects as though the said census had been taken in the manner provided by this act.

3032. Marshals, Assistants, Returns. 2. Such Marshal or other officer, with the concurrence of such Board or Council, may appoint assistants, and shall within sixty days from the time of receiving such warrant, make full returns, under oath, to said Board or Common Council, of the resident population in such town or city as aforesaid.

3033. Notice of Election. 3. If the returns shall show a population of two thousand persons, or more, the Trustees or Common Council, within ten days thereafter, shall publish a notice to the voters of such town or city, as in other corporations, stating that on a day, at a place named, a poll will be opened to determine whether such town or city shall be incorporated as a city.

3034. Election Board. 4. The Trustees or Common Council shall appoint three reputable voters in each ward, one to act as inspector and two as judges of election therein, and the persons thus appointed shall choose a clerk of such election. Such Trustees or Council shall also procure and deliver to such inspector, at least one day prior to such election, a ballot box, which shall thereafter be kept for the use of such ward. If such inspector or judges, or either of them, or the clerk, after the appointment and acceptance thereof, neglect or refuse to serve, such inspector, judges or clerk shall forfeit and pay for the use of such city, any sum not exceeding forty dollars, which sum shall be recoverable in any action at law; and the electors being met on

the day appointed, may choose by voice such inspector or judges as may be necessary to organize the Board, and the inspector or judges so chosen may select the clerk.

3035. Manner and Return of Election. 5. Such election shall be governed by the same rules as other corporation elections; and the ballots of the voters shall have thereon the word "yes" or the word "no," and if a majority of the ballots given at such election have thereon the word "no" the voters of such town or city shall be deemed not to have consented to its incorporation as a city, and no further proceedings shall be had in relation thereto; but if a majority of such ballots shall have thereon the word "yes," the inspector shall make a statement showing the number of votes given having the word "yes" and the number having the word "no" thereon; and such statement shall have attached thereto the affidavit of such trustees or of the mayor of such city, verifying the truth of the same, and within five days after such election shall be filed in the office of the clerk of the circuit court of the proper county. The clerk shall make a record thereof, for which he shall receive the same fees as are paid him for like services in other cases.

3043. City Officers. 8. The officers of such city shall consist of a Mayor, two Councilmen from each ward, a City Clerk, Assessor, Treasurer, Civil Engineer, Street Commissioner and Marshal, and if the Common Council deem it expedient, a City Attorney and City Judge. The City Attorney and Street Commissioner, [and] Civil Engineer shall be appointed by the Common Council: *Provided*, that the Common Council may dispense with the Street Commissioner and require the Marshal to perform his duties. All such officers shall hold their respective offices for two years, and until their successors are elected and qualified, except as herein provided. After the first general election on the first Tuesday in May, said officers shall respectively hold their offices as follows, to-wit: The Mayor, City Judge, Clerk, Marshal Treasurer and Assessor, two years each; and provided, that the term of office of the Clerk, Treasurer and Assessor, shall commence on the first Monday in September following the general election in May, and that the term of office shall be two years from such Monday in September: and provided further, that the Clerks, Treasurers and Assessors, now in office and whose terms expire in May, shall hold their respective offices until the first Monday in the month of September next ensuing the expiration of their term in May; and that such Clerks, Assessors, and Treasurers, as may elect to so hold, shall procure from their sureties, a written consent of the aforesaid extension; otherwise their terms of office shall terminate in May of the original term for which they were elected. The City Attorney, Street Commissioner and Civil Engineer, two years each, subject to removal by said Common Council at their pleasure, and the Councilmen shall be elected by legal voters of their respective wards, and one Councilman, from each, to be determined by lot, at the first regular meeting after their election, shall hold his office one year, and the other to be determined in a like manner, shall hold his office two years; and annually thereafter one Councilman shall be elected by the legal voters of each ward, and all of said officers shall hold their respective offices during their respective terms, and until their successors are elected and qualified. The said Clerk, Assessor, Treasurer, and Marshal, with the consent of the Common Council, may appoint one or more deputies when necessary: *Provided further*, that the Common Council of a city governed by this act, may order the election of an Auditor, who shall be elected as any other city officers are elected, and until his successor is elected and qualified; and the Common Council shall have power to prescribe the manner of qualifying for such office, and to prescribe the powers and duties thereof, which shall in no wise conflict with the provisions of this act: And provided further, that no person shall hold the office of Councilman, unless, at the time of his election, he is a resident of the ward from which he is elected, and in case of the removal of any Councilman from the ward from which he is elected, the Common Council shall have power to declare his office vacant, and order a special election to fill the vacancy.

3044. Oath of Election Board. 9. Before the opening of the polls on the day of such election, the inspector and judges thus appointed, and the

clerk, shall each and severally be sworn by an officer authorized to administer oaths, to the faithful discharge of their respective duties as officers of such election.

3045. Law of City Elections. 10. All elections of such cities shall be governed by the law in force regulating township and other elections and the voters therein shall have the like qualifications and be subject to the same restrictions and liabilities.

3046. Canvass of Votes. 11. When the poll of any such election is closed, the inspector and judges thereof in each of said wards, shall immediately proceed to canvass the votes therein given, and shall make out, under their hands, a statement specifying the number of votes each person voted for has received, and the office designated thereby to fill; and said statement, together with the poll list and one of the tally papers, shall be deposited with the inspector, or, if he should be unable to further serve, then with one of the judges elected by such Board of Election.

3047. Inspector's Certificate. 12. The inspectors named in such appointment, if at the first election, or the inspectors appointed as hereinafter provided, if at a subsequent election, of the several wards, shall, on the day next following the same, meet at the Common Council room, and upon the inspection of the statements aforesaid, determine the persons having the highest number of votes for each of the several offices voted for, and thereupon shall make and sign a certificate setting forth the names of the persons voted for, and for what offices, the whole number of votes given for each of the several offices, and the person having the highest number therefor, and shall declare the person elected to the same. Such certificate shall be filed with the Clerk of the corporation. Should two or more persons have an equal and the highest number of votes for the same office, such Board of Inspectors shall certify the fact to the Trustees or Common Council, as the case may be, who shall immediately give notice, as in other elections, for a new election, specifying the office to be filled thereby and the ward, if a Councilman, in which the poll is to be opened.

3048. Notice to Persons Elected. 13. It shall be the duty of the Clerk of such municipal corporation, within twenty-four hours after filing the certificate of the Board of Inspectors in his office, as provided in the preceding section, to notify, either by personal service or by leaving a copy of the same at the usual place of residence of each and all of the persons elected to fill the said offices.

3049. Penalty for Refusing to Serve. Any person thus elected who shall not, within five days after being notified by personal service of the same, take and subscribe the oath of office before some proper officer, and file the same with the clerk of such corporation, shall be deemed as having refused to serve, and shall forfeit, for the use of such city therefor, the sum of ten dollars, provided, he is not prevented from so doing by sickness or unavoidable accident, which forfeiture shall be recoverable on complaint filed in the name of the city against the party so failing to serve.

3038. New Wards—How Created. 79. Whenever a petition, signed by thirty or more resident freeholders of the wards to be affected, as hereinafter provided, is presented the Common Council, praying for the creation of a new ward or wards, to be formed from added territory, or by the consolidation of existing wards, and have attached thereunto a roll containing an enumeration of the inhabitants thereof, verified by affidavit, such Council, if they find that the proposed ward or wards, have the requisite population and that the petition is genuine, shall submit the question to the voters of the city, at the next annual election, by publishing the proposition in the general notice of election, and the question shall be decided by ballot—yes or no—as is provided in section five of this act, in relation to the incorporation of cities.

3050. Vacancies. 16. Vacancies in the office of Mayor, City Judge, Clerk or Councilman, occurring in any manner, shall be filled by special election, ordered by the Common Council and conducted in the same manner as the annual elections therefor, and all vacancies in the other offices shall be filled by the Common Council.

CHAPTER II.

DUTIES OF MAYOR.

3062. Powers and Duties. 17. It shall be the duty of the Mayor to see that the laws of the State and the by-laws and ordinances of the Common Council be faithfully executed within such city; he shall be a conservator of the peace, and, as such, shall have, within the city limits, the powers conferred upon justices of the peace for that purpose; to exercise supervision over subordinate officers, and to recommend to the Common Council such measures as he deems for the public good; he shall sign all commissions, licenses and permits granted by the Common Council, and he shall perform such other duties as the nature of his office and the interests of the city require; he shall have the custody of the corporate seal, and may take and certify, under the same, the proof and acknowledgement of deeds and other instruments in writing, which shall be good in any court in this State, without further authentication; he may also take and certify depositions and affidavits, and the same shall have a like force and effect as if taken by a justice of the peace; he shall hold a city court every day, Sunday excepted, at a place to be furnished by the Common Council. While sitting as such court, he shall have exclusive jurisdiction of all prosecutions for violation of the by-laws and ordinances of the city, and township in which such city is situated; he shall have, within the limits of said city, the jurisdiction and powers of a justice of the peace in all matters, civil and criminal, arising under the laws in this State, and for crimes and misdemeanors his jurisdiction shall be co-extensive with the county in which such city is situated: *Provided*, That in trials before him, he shall have power to adjudge imprisonment as a part of his sentence, not exceeding thirty days, in the city or county prison. In all actions in the City Judge's or Mayor's Court, either party may have a trial by jury and a change of venue to a Justice of the Peace in such city, and an appeal to a court of competent jurisdiction, under the same restrictions and in the same manner as a Justice's Court, except in cases where the Mayor has exclusive jurisdiction, no change of venue shall be allowed. The same rules of pleading and practice shall be observed in the City Judge's or Mayor's Court that are in a Justice's Court. The Mayor shall give bond, payable to the State of Indiana, in any penal sum not less than three thousand dollars, to be approved by the Clerk of the Circuit Court, with freehold security, conditioned for the faithful performance of his duties as Mayor, and all other duties herein required, and file the same with the Clerk of the Circuit Court within the time directed by law for Justices of the Peace. All fines and penalties collected by him shall be paid into the city treasury within one month after the same shall have been received by him, in the kinds of funds so received, except when otherwise directed by acts prescribing the duties and powers of Justices of the Peace, in which case he shall pay all fines and forfeitures collected by him for violation of the penal laws of the State into the County Treasury in the same manner and under the same restrictions that Justices of the Peace are required to do.

3063. Mayor's Docket, etc. 18. The Mayor or City Judge shall keep a docket, as Justices of the Peace do, and in case of the absence of such Mayor or City Judge for the space of five days or more, or of inability in consequence of sickness or other causes, for a like period, shall, prior to such departure in the first case, and at the expiration of five days in the last case (if his inability continue) deposit, or cause to be deposited, his docket with any Justice of the Peace within said city; and such Justice shall, during such absence or inability, be vested with, and exercise all the judicial powers and authority of said Mayor or City Judge, and be entitled to his fees and emoluments therefor. The Mayor or City Judge shall be entitled to the same fees as Justices of the Peace. In case of vacancy in the office of Mayor or City Judge, by death, resignation, or otherwise, the Council shall cause his docket to be placed in the hands of some Justice of the Peace in said city, who shall act as, and have all the judicial powers and authority of, such Mayor or City Judge, until the vacancy can be supplied by special election; and the official bond of such Justice shall embrace all his official acts in such

capacity: *Provided*, that all fees herein provided for the Mayor or City Judge shall be paid to such Mayor or City Judge for the use and benefit of such city, which fees the Mayor or City Judge shall pay into the city treasury once in every three months, for the benefit of the general funds of the city. The Mayor or City Judge shall draw no salary from the city treasury until he shall have filed with the city clerk or auditor a relinquishment and transfer to such city of all taxable fees allowed him by law in cases cognizable before him for alleged violations of the ordinances or by-laws of such city. In any city containing a population of less than ten thousand, the Mayor may, with the consent of the Common Council, deposit his docket with any Justice of the Peace of such city, who shall thereupon act as, and have all the judicial powers and authority of, such Mayor during such time as the Mayor may continue such docket in the hands of such Justice.

3064. Corporate Organization Presumed. 89. Whenever any suit shall be instituted by such city, it shall not be necessary to aver its corporate organization, or the publication of its by-laws or ordinances, unless the same is contradicted by affidavit.

3065. Prosecutions Against Railroad Companies, etc. 81. In all prosecutions against any railroad or other incorporated company for the violation of any ordinance of the Common Council of any city, a summons may issue against the company and may be served on the president, superintendent, secretary, treasurer, station agent or general agent, and upon the trial of the cause, judgment may be rendered against the railroad company for such penalty as may be adjudged, or the conductors or other agents of the company, guilty of the violation, may be arrested by warrant, and may be proceeded against personally as in other cases.

3066. Actions to Recover Penalty, etc. 19. All actions brought to recover any penalty or forfeiture incurred under this act or ordinances made in pursuance thereof, shall be brought in the corporate name of such city. The process in every such action shall be a warrant, and the person named in such warrant shall be arrested and retained in custody or under reasonable recognizance, until the next sitting of the city court; and it shall not be necessary to file with the affidavit or complaint, a copy of the ordinance, or section thereof, charged to have been violated, but it shall be sufficient to recite in the affidavit or complaint, the number of the section charged to have been violated, with the date of its adoption; nor shall it be necessary to copy any part of the affidavit, complaint, or other pleadings in the record of the cause, provided, that the Mayor shall note upon his docket the parties to the action, the title to the cause, the filing of the complaint or affidavit, the issuing and return of process, and the judgment and proceedings had in the cause, and the satisfaction of judgment when paid.

3067. Imprisonment—Stay. 20. If the penalty or forfeiture in which judgment is obtained is not paid or replevied, the defendant may be committed, for any period not exceeding thirty days, to the workhouse of such city, or if such city have no workhouse, then to the county prison of the county in which such city is situated; and in the latter case it shall be the duty of the person having charge of such prison to receive such defendant and obey the judgment of the City Judge's or Mayor's court in reference to him or her. And in default of payment or replevy of such judgment and and cost, the defendant, unless a female, may be adjudged and required to pay the same by manual labor in said workhouse or on the street, or other public works of said city, under the control of the Street Commissioner or Marshal of such city; for which labor such defendant shall be allowed, on such judgment and costs, seventy-five cents per day. It shall be the duty of such Street Commissioner or Marshal, or such other officer as the Common Council may direct, to work such defendant not less than six nor more than ten hours per day, according to the season, and each evening return him to the custody of the keeper of such prison or workhouse. Upon the full payment, as aforesaid, of the judgment and costs, such defendant shall be fully discharged. And such Street Commissioner and Marshal is hereby authorized and required to perform all the duties herein prescribed, and to use all proper means thereto; and the Common Council are hereby vested with full

authority to pass by-laws and ordinances for the purpose of compelling the enforcement of such manual labor by such defendant, by the use of sufficient force and means as they may deem right and proper. The keeper of such prison or workhouse, shall receive for the keeping, custody and boarding of said defendant, fifty cents per day, to be paid by such city upon the presentation of an itemized account therefor; and he shall receive only one commitment and one discharging fee. And such defendant may, at any time, replevy and pay such judgment and costs, and in case he has performed labor under such judgment, he shall be entitled to a credit for the same amount of labor performed, and the balance may be paid or replevied, as aforesaid.

CHAPTER III.

DUTIES OF CLERK.

3068. Custody of Books, etc. 21. The Clerk shall have the custody of all books and papers belonging to such municipal corporation; he shall make record of all proceedings of the Common Council, whose meetings it shall be his duty to attend; he shall countersign and register all licenses and permits, and all other official papers of the Common Council, directing acts to be done or duties performed, and he shall do all other things required by the Common Council and pertaining to his office; copies of papers and transcripts from the records, certified by him under the corporate seal, shall be evidence of the matters therein contained, in all courts in this State, and he shall be entitled to receive therefor, except when otherwise ordered by the Common Council, the same fees that are allowed to the Clerk of the Circuit Court for similar services.

3069. Drawing Orders Allowed, etc. 22. The clerk shall draw all orders upon the Treasury of such city, which shall be signed by the Mayor and countersigned by him; but no order shall be drawn upon the Treasury except upon an an allowance made by the Common Council, or when the same is fixed by law or the ordinances of such city; he shall keep a register of orders and a register of receipts, issued or received by him, so that no two receipts or orders shall bear the same number; the said books to be styled a "Register of Orders" and a "Register of Receipts," shall be furnished by the Common Council at the expense of the city. He shall properly file and keep documents belonging to said city and appertaining to his office, and deliver the same with all other things belonging to his office, to his successor as soon as such successor is qualified. The Clerk shall, in proper books to be furnished him, open separate accounts for special and general funds, expenditures, salaries of officers, contracts for work or other service done for the city, exhibiting therein all receipts, disbursements and appropriations upon each account, and the whole amount of receipts and expenditures in one general account.

3070. Making a Duplicate Tax List, etc. 23. The Clerk shall annually, between the first Monday in June and the fifteenth of November, make out a duplicate of taxes assessed in such incorporated city in the same manner that duplicate lists of taxes are made out by County Auditors, and shall cause a copy of such duplicate list to be delivered to the City Treasurer on or before the fifteenth day of November of each year, and in all matters pertaining to the making up of such duplicate tax list, and the assessment of taxes thereon, and in the manner of entering property returned delinquent for taxes, he shall be governed by the laws defining the duties of County Auditors, so far as the same may be applicable, and not otherwise herein provided; and he shall deliver the same, with a warrant under the corporate seal of said city, attached thereto, to the Treasurer of said city, directing him that of the goods and chattels of all and every person named in said duplicate, and of all persons whose names may be added thereto by him, he shall cause to be made by distress and sale if necessary, the amount of tax charged against each of said persons named in said duplicate, and make report of his doings in the premises by the third Monday in March next following, and make full return, report and final settlement thereof, by the first Monday of August next following.

CHAPTER IV.

DUTIES OF ASSESSOR.

3071. Making List. 24. Each City Assessor shall, on or before the first Monday in June of each year, unless otherwise directed by the Common Council, make and deliver to the City Clerk of his city in tabular form and alphabetical order, a list or lists of the names of all persons, companies or corporations, in whose names any personal property, moneys, credits or other taxables shall have been by him listed in his city, on which list or lists he shall enter separately in appropriate columns, opposite each name, the several species of personal property and taxables required by law to be taxed for State and county purposes, as attested by the person required to list the same, or as determined by the Assessor; and he shall also make a separate list of such other property or things as the Common Council in their ordinances direct to be specially taxed; the columns shall be accurately added up, and in every case where any person, whose duty it is made by law to list any personal property or other taxables for taxation for the State and county purposes, shall refuse to make out and return the lists of personal property and taxables, the Assessor shall enter, in an appropriate column, the words "refused to list," and in every case where the person required to list personal property for taxation, shall refuse to take and subscribe the oath of affirmation required of him by this act, in regard to the truth his statement, the Assessor shall enter in an appropriate column, the words "refused to swear," and in every case where any person required to list property for taxation shall have been absent, or unable from sickness to list the same, the Assessor shall enter opposite his name, the word "absent" or "sick:" Said assessment shall be completed at the time above indicated, and return made thereof to the Clerk of the city, unless by an order of the Common Council, further time be given him, he may with the concurrence of the Common Council appoint one or more assistants, who shall be sworn in like manner as other officers, to well and faithfully perform the duties thereof. Such Assessor and assistants shall have the same powers, and be subject to the same provisions of the same laws as the Assessor of personal property for State and County purposes, but if, at any time, any town or city adopting this act shall have no Assessor, except the one elected on the first Tuesday in May as aforesaid, then it shall be lawful for the Common Council to appoint an Assessor, who shall qualify as if elected, and shall assess for the year commencing on the first Monday in January next preceding such appointment, and the Assessor elected at a regular election as aforesaid, shall assess as herein required for the year, commencing on the first day of January following such election. Such Assessor shall, at the time he is required by this act to make return of taxable property to the City Clerk, also deliver to him all the statements of property which he shall have received from persons required to list the same, arranged in alphabetical order, corresponding with his list or lists, and the Clerk shall carefully preserve the same in his office.

3072. List of Real Estate. 25. Each City Assessor shall annually (except when real estate is appraised), at the time of taking lists of personal property, also take a list of all real estate situated in his city, that shall have become subject to taxation since the last previous listing of property therein, with the value thereof, estimated agreeably to the laws regulating the duties of appraisers of real estate, and all new improvements, buildings, or other structures of any kind, the value of which shall not have been previously added to or included in the valuation of the land on which such improvements have been made, or structures erected, and shall make return thereof to the City Clerk, at the same time that he is required by this act to make return of personal property; in which return he shall set forth the parcel of real property on which each of such improvements shall have been made or structures erected, and the true value added to such parcel of real estate by making such improvements, or the erection of such structure; and the additional sum which it is believed the land on which the improvements shall have been made, or structure will sell for at private sale in consequence thereof, shall be considered the value of such improvement or structure, and in case of destruction by fire, flood, or otherwise, of any improvement, building, or struct-

ure of any kind, which shall have been made or erected previous to the last valuation of the land on which the same shall have been added to any former valuation of such land, the Assessor shall determine, as nearly as practicable, how much less such land would sell for at private sale in consequence of such destruction, and make return thereof to the City Clerk, as in this section before provided in relation to improvements made, or structures erected.

CHAPTER V.

DUTIES OF CIVIL ENGINEER.

3073. Duties—Change of Grade. 27. The Civil Engineer shall prepare plans, specifications and estimates, when thereunto directed by the Common Council, of proposed public improvements, and shall superintend the opening of streets and the preservation of the true lines thereof, and perform all other duties appertaining to his office and directed by the Common Council, and such Engineer shall have exclusive jurisdiction to survey, determine, establish and perpetuate the lines and corners of all lots, blocks, parcels of land and subdivisions thereof, within the limits of such city. He shall make a record of all such surveys, as the County Surveyor is now required to do; and such record, or certified copies thereof, shall have the same force and effect as the record of surveys made by the County Surveyor has; and from all such surveys an appeal may be taken, as provided for appeals for surveys made by the County Surveyor: *Provided*, That when the city authorities have once established the grade of any street or alley in the city, such grade shall not be changed until the damages occasioned by such change shall have been assessed and tendered to the parties injured or affected by such change; and such damages shall be collected by the city from the party or parties asking such change of grade in the manner provided for the collection of street improvements.

CHAPTER VI.

DUTIES OF STREET COMMISSIONER.

3074. Duties. 28. It shall be the duty of the Street Commissioner, under the direction of the Common Council, to superintend the streets, alleys, market places, landings; the construction, repairing, cleaning and lighting the same, the building of sewers and drains, the purchase of the necessary implements of labor, and the employment of laborers, and shall perform all other duties incident to his office: *Provided*, He shall have no power to contract for any debt or liability against the city, unless specially authorized so to do by an order, resolution, or ordinance of the Common Council, made in accordance with the powers vested in such Council by this act.

CHAPTER VII.

DUTIES OF MARSHAL.

3075. Duties and Powers. 29. The Marshal shall be chief ministerial officer of the corporation; he shall be a conservator of the peace within his city, and shall arrest, without process, all persons who, within his view, shall commit any crime or misdemeanor, or violate any ordinance of such city, take them before the Mayor or other officer having jurisdiction of the offense with which such person is charged, and detain them in custody until the cause of such arrest is investigated; suppress all breaches of peace within his knowledge, hereby giving him authority to call to his aid the power of the city, pursue and commit to jail all felons, persons guilty of misdemeanors or violations of the ordinances of such city, he shall execute and return all process directed to him by the Mayor or City Judge, or by order of the Common Council, either in person or by deputy; attend upon and preserve order in the Mayor's court and in Justice's court within his city, and in all cases where he has served the writ or process to bring such party into court; and in addition to the powers vested in such Marshal, he may, without any writ or order of attachment, confine any person or persons guilty of any offense against the

penal laws of the State of Indiana, or ordinances of such city, in the city watch-house or prison, or county jail, if such arrests be made when the court having jurisdiction of the offense with which such such person is charged shall not be open or in session, until there shall be an opportunity to bring such defendant before the Mayor, if for violation of the ordinances of such city or before a Justice of the Peace or Mayor, if for violation of the penal laws of the State, which it is his duty to do at the earliest practicable time, but no person shall be detained in custody more than eighteen hours unless by order of the Mayor or a Justice of the Peace, upon affidavit and writ charging such person with some offense.

3076. Has Constables Powers. 1. City Marshals shall have in addition to the powers they now possess, the jurisdiction and powers of Constables in their respective counties.

3077. Same Fees as Constables. 2. City Marshals shall be entitled to the same fees as Constables, as well while acting in the capacity of Marshal as Constable.

CHAPTER VIII.

DUTIES OF CITY ATTORNEY.

3078. Duties. 30. The City Attorney shall be the legal adviser of all the officers of the city in relation to their official acts, and shall advise the Council upon all matters of law, which may be submitted to him in reference to the action of such Council, he shall draw all contracts, ordinances and legal documents which may be required of him by the Common Council, and do and perform all other acts pertaining to the duties of his office; he shall prosecute all actions in favor of the city, and defend all actions brought against such city for any cause, but in no case shall the city be liable for costs. The City Attorney shall be allowed a docket fee in all cases tried before the Mayor or City Judge for violations of the city ordinances or upon appeals from the judgments to the Circuit or Common Pleas Courts when he appears in person or by deputy, as follows, viz:

Docket fee before the Mayor or City Judge upon a plea of "guilty," two dollars.

Docket fee before the Mayor or City Judge upon a plea of "not guilty," four dollars.

Docket fee in cases in the Circuit Court or Court of Common Pleas upon appeal on a plea of "guilty," two dollars and fifty cents.

Docket fee in cases in the Circuit Court or Court of Common Pleas on appeal upon a plea of "not guilty," five dollars.

CHAPTER IX.

TREASURER.

3079. Receiving Money. 31. The Treasurer shall receive all moneys, notes, bonds, and orders belonging to the city and keep an account of the amounts received and paid out by him, and no money shall be paid out of the treasury by him except upon an order signed by the Mayor or presiding officer of the Common Council, and countersigned by the Clerk.

3080, Issuing Receipts, Cancelling Orders, etc. 32. All moneys due to or collected for such city on any account whatever, shall be paid to the City Treasurer, who shall for all sums received by him issue a receipt to the person paying the same, which receipt, except for taxes charged on the duplicate, such person shall file with the City Clerk, who shall thereupon issue a quietus to such person and charge the Treasurer with the amount therein specified, and upon what account paid, he shall receive city orders that are due in payment of any debt, tax, or assessment due such city, and when an order is received by him for any debt, tax or assessment due such city, or otherwise paid or redeemed, he shall cancel the same by writing or stamping upon the face of such order, the word "redeemed" and the date of redemption and such order shall never again be put in circulation. He shall likewise can-

cel all bonds or other evidences of indebtedness redeemed or liquidated by him, he shall register all orders by him so redeemed in a book to be furnished him for that purpose, in the same manner as the Clerk is required to register such orders; he shall also register all receipts given by him as required in this act, except receipts for taxes charged on the tax duplicate.

3081. Interest. 1. The City Treasurer shall pay all orders issued by the city, of which he is such Treasurer, when presented, whether indorsed or not, as hereinafter stated in this act, if there be money in the treasury appropriated for that purpose, sufficient to pay the same: if there be not money enough thus to pay such orders, he shall write or stamp on the back thereof, over his name, the date of such presentation, and note the same in a Register of orders endorsed, to be provided him for that purpose, and such orders shall be entitled thenceforth to draw legal interest until there shall be money on hand sufficient to pay the same.

3082. Interest Orders Receivable. 2. Whenever there shall be money on hand to pay all outstanding orders, which have been indorsed, prior to any given date, the Treasurer shall publish notice of such fact by three insertions in some newspaper of general circulation in such city, and that such outstanding orders will be redeemed on presentation, and interest shall cease on such orders from and after date of such publication; *Provided*, That city orders shall be received in payment of taxes for general purposes, and for all claims and demands due or belonging to the general fund of the city, without regard to the priority of presentation or date of issue, but the Treasurer shall not pay any balance thereon, over and above the amount of such tax, claim or demand, when there are outstanding orders unpaid for want of funds.

3083, Furnishing Statement—Liability. 33. The Treasurer shall, on the last day of each month, furnish to the Clerk a statement of all the receipts and disbursements made by him during the month and the balance then in the treasury belonging to each fund, general and special, and also deliver to him all orders redeemed and cancelled by him during the same period, taking the Clerk's receipt therefor, which statement, with the orders redeemed, the Clerk shall lay before the Common Council at its next meeting to be disposed of as the Common Council may direct. The Treasurer shall, at least fifteen days before any annual election, and at all other times when so required by the Common Council, render a full account of the receipts and expenditures for the current year, and the general condition of the treasury; he shall also, at his own peril, keep the moneys of the city safely.

3084. Treasurer's Assessment. 34. The Treasurer shall reqiure of each and every person whom the Assessor failed to list, a statement of his taxable property and the value thereof, which shall be given under the same regulations as if furnished by the Assessor, and for that purpose the Treasurer is authorized to administer the necessary oath or affirmation. If such person fail to furnish such statement, the Treasurer shall value the same as the Assessor is required to do in like cases.

3085. Collecting Delinquent Taxes. 35. The Treasurer is not required in any instance to make a demand of taxes from the person charged therewith, but may in his discretion, do so, and if any person charged with a poll tax, or any tax upon personal property, or any tax upon real estate, shall fail, when called on, to pay the same, together with all interest, penalties and costs, it shall be lawful for said Treasurer to seize the chattels of such defaulter forthwith, and make sale thereof, as provided in this act, to satisfy the same, and should there be a surplus after such sale and payment, he shall pay the same to the said person making such default.

3086. Lien of Taxes. 36. The lien of such incorporated city for all taxes, general or specific, shall attach on all real estate on the first day of January annually, and such lien shall be perpetual for all taxes due from the owner thereof, which have heretofore accrued, or shall hereafter accrue, with the interest and penalties in each case, until payment, which lien shall in nowise be affected or destroyed by any sale or transfer of any such real estate; all the property, both real and personal, situated in any incorporated city, shall be liable to payment of all taxes, penalties, interest and costs charged to

3 1833 03307 0986

the owner thereof in such incorporated city, and no partial payment of any such taxes, penalties, interest or costs, shall discharge or release any part or portion of such property, until the whole be paid, which lien shall in nowise be affected or destroyed by any sale or transfer of any such personal property. All taxes upon real estate shall be a lien thereon to the same extent as a judgment of a court of record of general jurisdiction, and shall have preference to any private charges upon the same, and all taxes upon personal property shall have preference over private claims.

3087. Collecting Taxes. 37. Immediately on receiving the tax duplicate the City Treasurer shall proceed to collect the same, and shall give notice, by publication in some newspaper having a general circulation in such city, for three consecutive weeks, stating in such notice the amount of tax charged for general or specific purposes on each one hundred dollars valuation, also the amount of poll tax, and, also, the day on which the penalty will attach for non-payment of such taxes. In case any person shall refuse or neglect to pay the tax imposed on him, the City Treasurer shall, after the third Monday of March, levy the same, together with ten per centum damages, and the costs and charges that may accrue, by distress and sale of the goods and chattels of such person who ought to pay the same, wheresoever the same may be found in the city. The power to levy and collect shall continue in such Treasurer after his return and settlement with the City Clerk, until the taxes shall be paid, should goods or chattels of the delinquent be found within the city. The said Treasurer shall, annually, on the first Monday of August, file with the City Auditor, schedules of all such delinquent taxes collected by him, verified by oath or affirmation, and shall be charged by the Clerk with the amount collected.

3088. Sale of Lands for Taxes. 38. If no goods or chattels can be found, out of which to make the tax, penalties, interest and costs charged against any person named in such duplicate, the Treasurer shall sell any lot or land, or so much thereof as shall be necessary, listed to such person, to pay the tax, with interest, penalties and costs thereon, and the Treasurer's Certificate to the purchaser, shall state for what tax or taxes, interest and penalties and costs, said lot or parcel of land was sold, which certificate shall be prima facie evidence of all the facts therein set forth.

3089. Notice of Sale. 39. The Treasurer shall give public notice of the time and place of sale of all goods and chattels to be sold, at least ten days previous to the day of sale, by written or printed advertisements, to be posted up in at least three public places in the city where such sale shall be made.

3090 Sale, How Made. 40. Such sale shall be made at public auction and no more property shall be sold than sufficient to pay the tax, penalties interests, costs and charges, and, if convenient, it shall be sold in parcels, and if sold for more than the amount necessary, the surplus shall be returned to the owner thereof.

3091. Land, How Sold. 41. In selling lots and parcels of land, the Treasurer shall offer the least quantity thereof that any bidder will take and pay the amount of tax and penalty, interest, damages and costs, assessed, and he shall make, seal and acknowledge, before some competent authority, a certificate of the land thus sold to such person. Before making such sale the Treasurer shall give notice, not less than twenty days, in a newspaper printed and published in said city, that on a certain day therein named, he will offer for sale the lands and lots on which taxes shall remain unpaid, or so much thereof as shall be necessary to pay said taxes, penalties, interest and all costs and charges made by the failure to pay said taxes. If such city is a county seat, it shall be made at the Court House door; if not, it shall be made at the door of the City Hall or other place of meeting of the Common Council.

3082. Return—Redemption. 42. It shall be the duty of the Treasurer, immediately after the sale of any lot or parcel of land, to make return of the same to the City Clerk, distinctly stating the lot or parcel of land sold, the day of sale, and the amount of taxes, penalty, interests and costs for which it was sold; and any owner or claimant thereof, his agent or attorney,

may redeem the same, upon the terms and in like manner as the lands sold for State and county taxes are redeemed, by payment to the City Treasurer.

3093. Shall Settle With Clerk for Taxes. 43. The City Clerk and Treasurer shall attend at the office of said clerk on the third Monday of March, annually, and the Treasurer shall then and there make settlement with the Clerk for the amount of taxes for which said Treasurer is to stand charged, as follows:

First. The Clerk shall take from the duplicate in the hands of the Treasurer for collection, a list of all such taxes as said Treasurer shall have been unable to collect, therein describing the property on which such delinquent taxes are charged, as the property is described on such duplicate, and shall note therein, in a marginal column, the reasons assigned by such Treasurer why such taxes could not be collected.

Second. Such list shall be signed by the Treasurer, and he shall also testify to the correctness thereof, under oath or affirmation, to be administered by the Clerk.

Third. The Clerk shall forewith record such lists of delinquents in a book to be kept in his office, and deliver copies of the same to the Treasurer for collection; and the Treasurer shall make return of such collections in the manner provided for in the thirty-seventh section of this act (§ 3,087).

3094. Fees for Collections by Distress. 44. The Treasurer shall be entitled to such fees for collections made by distress and sale, and charges for keeping or removing property distrained, as are paid to County Treasurers for like services. In cases of no sale of any lot or parcel of land for want of bidders, the Treasurer shall so return to the Common Council, and the said lot or parcel of land shall thereafter be considered as forfeited to such city, to be disposed of as the Common Council shall thereafter by ordinance direct, but no disposition shall be made by such Common Council until after the expiration of four years from the date of such forfeiture; and until so disposed of or redeemed, such lot or parcel of land shall be continued on the duplicate, charged with all arrearages for which it was forfeited and interest and ten per centum damages per annum, and shall be annually assessed and charged with all accruing taxes, penalties and interest, as other lands. Such land shall annually be offered for sale, with and on the same terms as other delinquent lands, and, until sold for the amount of all arrearages, may be redeemed as provided in section forty-two, on payment of the same into the city treasury by the owner or owners thereof. All sales by the Treasurer for delinquent taxes, and the giving of certificates and conveyances therefor, shall be conducted in the like manner as by the County Treasurer, under the general law of the State, but such conveyance shall be made to such purchaser in the corporate name of the city, which certificates and deeds of conveyances shall be prima facie evidence of all the facts stated therein.

CHAPTER X.

OFFICIAL OATH AND BOND OF CITY OFFICERS.

3095. When Oath Taken, When Bond Filed, etc. 45. The Mayor, each member of the Common Council, City Clerk, Assessor, Civil Engineer, Street Commissioner, Marshal, City Attorney and Treasurer, shall each, before entering upon the duties of his office, take and subscribe an oath, to be endorsed upon the back of his certificate of election, before some officer authorized to administer the same, to support the constitution of the United States and the constitution of the State of Indiana, and to faithfully and honestly discharge the duties of his office, which oath, with his certificate of election, shall be filed with the City Clerk; and each of said officers, except members of the Council, shall in like manner execute a bond, with approved security, payable to the State of Indiana, in such penal sum as the Common Council shall, by resolution or ordinance, order and direct, conditioned for the faithful performance of the duties of his office, and the payment of all moneys received by him according to law and the ordinances of such city,

provided, however, that in no case shall the Mayor's bond be fixed at a less sum than three thousand dollars, nor shall the Treasurer's bond be fixed at a less sum than double the amount of the estimated tax duplicate of the current year, which bonds shall be filed with the City Clerk, except the bond of the Clerk, which shall be filed with the City Treasurer.

CHAPTER XI.

POWERS AND DUTIES OF THE COMMON COUNCIL.

3096. Meetings. The Mayor and Councilmen of said city shall constitute the Common Council, and shall meet within ten days after the general election, and at such other times as they shall by resolution direct. The Mayor shall be the presiding officer of the Common Council, and shall have casting vote in all cases when a tie, but not otherwise. The presiding officer, in the absence of the Mayor, shall sign all contracts, licenses, permits and other instruments as the Mayor might do, and they shall have like effect.

3097. Stated and Special Meetings. 47. The Common Council shall hold stated meetings at least twice in each month, and the Mayor or any five Councilmen may call special meetings. A majority of all members to which the wards are entitled shall constitute a quorum, and the minutes of every such meeting shall be kept by the City Clerk, which shall be open to public inspection.

3098. To Appoint a Chief Engineer, et al. 48. At every such first annual meeting the Common Council shall appoint by ballot a Chief Engineer of the Fire Department, three Commissioners to form a Board of Health, and in their discretion a Sealer of Weights and Measures, and as many supervisors of streets, to act under direction of the Street Commissioner, as they may deem necessary, and all other officers which the by laws may create or require unless for a good cause, deemed inexpedient at that time; and the Common Council may, by ordinance, prescribe such rules and regulations in addition to those herein contained, for the qualification and official conduct of all city officers, as they may deem for the public good, and which shall not be inconsistent with [the] provisions of this act; and the Common Council may authorize any city officer, except the Mayor or City Judge, to appoint, with the concurrence of the Common Council, one or more deputies.

3099. By-Laws and Ordinances Recorded, etc. 78. All by-laws and ordinances shall, within a reasonable time after their passage, be recorded in a book kept for that purpose, and shall be signed by the presiding officer of the city, and attested by the clerk. On the passage or adoption of any by-laws, ordinances or resolutions, the yeas and nays shall be taken and entered on the record.

3100. Penal Ordinances — Publication. 57. Every by-law imposing a penalty or forfeiture for the violation thereof shall, before the same shall take effect, be published two weeks consecutively in some newspaper printed in the city: *Provided*, That in case of insurrection, riot, pestilence, conflagration or other impending danger, requiring the immediate operation of such ordinance, it shall take effect as soon as proclamation is made thereof by such Common Council and posted at five public places in each of the wards of such city: *Provided further*, That the Common Council shall have discretionary power to direct the publication of any ordinance in a daily newspaper, and the publication thereof for one day each in any two consecutive weeks in any daily newspaper shall be deemed sufficient to allow the same to take effect: *Provided*, That when no paper is pub ished in such city, printed or written copies of such ordinance shall be posted up by the City Marshal in at least five public places in each ward of such city for two weeks before the taking effect thereof.

3101. Expulsion of Officers. 88. Any member of the Common Council may be expelled or removed from office by a two-thirds vote of the whole number elected, but not a second time for the same offense. Any officer of such municipal corporation, whether elected or appointed, may be removed

by a like vote. The Common Council shall make provision in their by-laws or ordinances, as to the mode in which charges shall be preferred, and a hearing of the same had.

3102. City Seal. 49. Each City Common Council shall cause to be provided a corporate seal. around the margin of which shall be the name of such city, and the word "Indiana" and in the center thereof such device as the Common Council may direct, and such seal shall be affixed to all instruments or writings needing authentication.

3103. Streams--Ferries. 50. The Common Council shall have exclusive power to keep open streams, and preserve, and if necessary and expedient change the course, and of rivers passing through or bordering upon the corporate limits of such city, to prevent encroachments or injury to the banks thereof, or the casting into the same of offal, dead animals, logs or rubbish, and within the corporate limits of such city, to establish and regulate ferries across such streams and rivers; to license any person or persons, or corporation, to keep such ferry or ferries, and exact a reasonable fee for such license; to designate the kind of boats to be used at such ferries, and the times and places of landing, and to prescribe the rates of ferriage to be charged at such ferry or ferries; and whenever the bank of such stream or river shall be a public highway, or a public wharf, or commons, within the limits of such city, the Common Council of such city shall have full and exclusive power to authorize the use of any part or parts of such bank as a landing place of such ferry or ferries: *Provided, however*, That no new ferry or ferries shall be established within one mile below or above an established ferry, unless the Common Council of snch city shall determine, by the votes of two-thirds of the members of such Common Council, that public convenience requires the establishment of such new ferry or ferries: *And Provided further*, That if any person is aggrieved by the establishment of such ferry or ferries, or by the action of the Common Council in fixing the rates of ferriage, he shall have the right to appeal to the Circuit Court of the proper county, upon filing bond in the City Clerk's office, within thirty days thereafter, payable to such city, with security approved by such Clerk, and conditioned for the due prosecutlon of such appeal, and the payment of all costs if judgment be rendered against such appellant; and the City Clerk shall cause such bond, with a certified copy of the proceedings of said Common Council, and all of the original papers of the cause, to be filed in the office of the Clerk of such Circuit Court, within twenty days thereafter, and such cause shall be docketed for the ensuing term of such court, and further proceedings had, and judgment rendered therein as in other cases of appeal.

3104. Officers of City shall not contract, etc. 52. No member of the Common Council or other officer of such city shall, either directly or indirectly, be a party to, or in any manner interested in, any contract or agreement with such city for any matter, cause or thing by which any liability or indebtedness is in any way or manner created against such city; and if any contract should be made in contravention of the foregoing provisions, the same shall be null and void. No officer of such city shall purchase any bond, order, claim or demand whatever against such city during his continuance in office for any sum less than the amount specified therein, and any bond, order, claim or demand purchased by any officer of such city in contravention of the foregoing provisions, shall be forfeited to such city, and no action shall ever be maintained thereon.

3105. Salaries of Officers. 51. The Common Council shall, within one month after the annual election in each year, fix the salaries of all officers of such city, provided for in this act, and by ordinance provide for the payment of the same; which salaries shall be paid on the first day of January, April, July and October in each year, when so fixed, and shall not be increased during that year: *Provided*, That no member of the Common Council shall be allowed a greater sum than one hundred and fifty dollars in any one year for all services rendered by him as such member.

3106. To Control Finance. 53. They shall have the management and control of the finances of the city, and of all property, real and personal, belonging thereto; and shall have the additional power herein permitted, and

may make and publish by-laws and ordinances necessary to enforce the same.

The Common Council shall have power to enforce ordinances:

1. **To regulate the use of hand organs.** To regulate or prohibit the use of hand organs, or instruments of any annoying character, or other music of itinerant performers in the streets, lanes, alleys or public places of the city.

2. **To fill up and drain.** To fill up or drain any lot or parcel of ground within such city, or within two miles thereof, whenever water has or may become so stagnant and obnoxious as to be, in the opinion of such Council, a nuisance, and injurious to the health or comfort of such city, or any part thereof, at the expense of the owner thereof, under such reasonable regulations as the Common Council shall prescribe: *Provided, however*, That not to exceed ten per cent. of the value of such lot or land, as the same is valued and assessed upon the tax duplicate for city purposes, shall be expended in filling up or draining the same in any one year.

3. **Concerning Firearms, etc.** To prevent or regulate the use of fire arms, fire works, or other things or practice tending to endanger person or property.

4. **Tallow Chandleries, etc.** To direct the location of tallow chandleries, soap factories, and other buildings or structures, and to prohibit the erection of such buildings, or the continuance of noxious trades or business therein, whenever the health or welfare of the city shall require the same, and for that purpose shall have jurisdiction two miles, in every direction, from the city limits.

5. **Cemeteries.** To establish cemeteries or burial places, within or without such city, and to provide for the sanctity of the dead, and to prohibit interments except in cemeteries heretofore established by law.

6. **Quarantine.** To establish quarantine regulations.

7. **To Preserve Peace.** To preserve peace and good order, prevent vice and immorality, and quell riots and disorderly assemblages.

8. **Establish Police.** To establish and regulate the police of the city, and may, in their discretion, authorize the Mayor, or a Board of Police to be selected by the Common Council, to make all appointments of officers and members of such police, and give such Mayor or Board of Police full power to remove from office any officer or member of such police for neglect of duty or for other good cause.

9. **To Suppress Gaming.** To suppress gaming and gaming houses, and houses of ill fame; to prohibit and destroy instruments and devices of gaming and restrain fraudulent practices within the said city.

10. **Filthy Houses.** To compel the occupants of any building or out-house, situate upon any real estate in such city, that is filthy or unwholesome, to abate or cleanse the same, and to clean the streets and alleys adjoining such property.

11. **Locating Markets.** To direct the location of markets, or slaughter houses, or powder magazines, and to regulate the same; and for that purpose shall have jurisdiction for two miles in all directions from the city limits.

12. **Regulate Hacks, etc.** To regulate the use of coaches, hacks, drays, and other vehicles for the transportation of passengers, freight, or other articles, to or from points within the city, for hire or pay.

13. **Inns, etc.** To regulate and license all inns, taverns, or other places used or kept for public entertainments; also all shops, or other places, kept for the sale of articles to be used in and upon the premises.

14. **Tables, Alleys, etc.** To regulate and restrain all tables, alleys, machines, devices or places of any kind for sports or games, kept for hire or pay; or to prohibit the use of the same as aforesaid, if deemed expedient, without a license being obtained therefor; and if deemed necessary to preserve peace, good order and morality, to prohibit the use of same as aforesaid, by the infliction of such penalties as this act will permit to be provided for by ordinance.

15. **Public Shows, etc.** To regulate and retain [restrain] all theatrical and other exhibitions and public shows, for which money is demanded or received; and, if deemed expedient, to prohibit the same, without a license being first obtained therefor.

16. **Lectures.** It is expressly provided that lectures on scientific, historic, benevolent or literary subjects, and the apparatus for the elucidation of the same, and specimens of fine arts, shall not be deemed within the provisions of this act.

17. **Immoderate Riding, etc.** To prevent immoderate driving or riding, and cause the person guilty of the same to be stopped thereat, by an officer of said city.

18. **Incumbering of Streets, etc.** To prevent the incumbering of streets, squares, sidewalks and crossings, with vehicles, or any other substance or material whatever, interfering with the free use of the same.

19. **Bathing.** To regulate the time and place of bathing in the rivers, or public waters, of said city.

20. **Vagrants.** To restrain and punish vagrants, mendicants, street beggars, common prostitutes and their associates.

21. **Cattle Running at Large.** To regulate and prohibit the running at large of cattle, horses, swine, fowls, and other animals, and to provide for the impounding, keeping, sale, and redemption of the same, when found in violation of the ordinance in such case provided.

22. **Unwholesome Substances.** To prevent the deposit of any unwholesome substance within the city limits, and punish persons guilty of the same; and to remove or destroy putrid animal or vegetable matter, the Common Council shall have the right to collect the expenses of removing any such unwholesome substance, putrid animal or vegetable matter, from the person found guilty of a violation of the provisions of the ordinances of such city in relation thereto, with ten per cent. damages thereon, and costs of suit therein; if the person occupying the premises fail to do so, upon notice given, the Common Council shall have the power to remove such putrid animal or vegetable matter.

23. **Ringing Bells and Peddling.** To regulate the ringing of bells and crying of goods, and to restrain hawking and peddling.

24. **Persons afflicted with Disease.** To remove or confine persons having infectious or pestilential diseases.

25. **Bills of Mortality.** To regulate the keeping of bills of mortality, and to provide penalties for the neglect of any person in violation of the same.

26. **Water.** To construct and establish works for furnishing the city with wholesome water, and for the purpose of drainage of such city, may go beyond the city limits, and condemn lands and materials, and exercise full jurisdiction and all necessary power therefor; or the Common Council may authorize any incorporated company, or association, to construct such works, and, in such case, the city may become part stockholders in any such company or association.

27. **Pounds.** To establish and regulate pounds.

28. **Gas Works.** To construct and establish gas works, or to regulate the establishment thereof by individuals or companies, or to regulate the lighting of streets, public grounds and buildings, and to provide, by ordinance, what part, if any, of the expense of lighting any street or alley shall be paid by the owners of lots fronting thereon, and in what manner the same shall be assessed and collected, and to make the same a lien upon real estate.

AN ACT authorizing and empowering gas light and water works companies to extend therr pipes and mains beyond the corporate limits of the city or town in which the same are located, and to supply gas and water to persons and corporations beyond the corporate limits of such city or town.
(Approved February 21, 1883.)

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That any gas light or water works company in any city or town of this State shall be authorized and empowered to extend their pipes and mains beyond the corporate limits of such city or town, not to exceed a distance of five miles from the corporate limits of any such city or town, for the purpose of supplying persons or corporations with gas or water, and any such company shall be authorized and empowered to furnish and supply gas and water to any persons or corporations residing or located within five miles of the corporate limits of any such city or town.

29. **Markets, etc.** To regulate the management of all public property, markets and market spaces, and sales of meats, fish and vegetables; to prevent, by ordinance, the offense of regrating and forestalling; to appoint market masters and invest them with power to make arrests for the violation of city ordinances in their view, and to make councilmen and all other city officers conservators of the peace within such city, with power to arrest in like manner.

30. **Fire Engines, etc.** To regulate and protect fire engines, hose, hook and ladders.

31. **Weighing of Hay, etc.** To regulate the selling, weighing and measuring hay, wood and coal and other articles.

32. **Board of Public Improvement.** To organize a Board of Public Improvements, and empower such Board to grant permits to build houses or additions thereto, and prevent the erection of wooden buildings in such parts of the city as the Common Council may determine; to condemn any building or structure liable to fall and endanger life or property, and provide for the removal and taking down of the same; to take from all persons to whom any such permit is granted, or with whom the city shall contract for any improvement liable to endanger persons or property, a bond with sufficient sureties, conditioned that the owners or contractors shall pay all damages that may be sustained by any person, or persons, by reason of any carelessness or negligence in the manner of making such improvement, and property, from injuries thereby.

33. **Market Houses, etc.** To erect and establish market houses and market places, engine houses, houses of refuge, pest houses and hospitals.

34. **Wharves, Docks. etc.** To establish and construct wharves, docks, piers and basins, and to regulate landing places and fix the rates of landing, wharfage and dockage on all public grounds belonging to such city. All claims for landing, wharfage and dockage accruing to said city, shall be a lien upon the boat, vessel or water craft contracting the same, and after a demand made by the wharf master upon the owner or master, clerk or consignee thereof, and refusal of payment, may be enforced by attachment before the Mayor of said city, where the amount does not exceed one hundred dollars, in the same manner and to the same extent that liens on boats and other water crafts are now enforced under the general laws of this State; and all the proceedings shall be conformable thereto as far as practicable. And the Common Council shall have power to compel property owners, owning any lots, or parts of lots, or lands bordering on any navigable stream, basin, or harbor, made so by natural or artificial means, to build and construct sea-walls for the protection of the banks thereof, in such manner as the Common Council by ordinance shall prescribe: *Provided*, Such navigable water, harbor or basin, shall have been improved and used therefor, and for landing further up or *beyond*, and it is necessary to protect the banks of said stream, basin or harbor along any such lot or part of a lot by sea-walls or otherwise. And upon the failure of such property owners to make such sea-walls as shall be prescribed by such Common Council, the Common Council are hereby empowered to cause such sea-walls to be built by contract, let to the lowest bidder, and the cost of constructing the same shall be a lien upon the property bordering upon such harbors, navigable streams, or basins, or deemed benefited by such improvement, and the lien of the city shall be enforced in the same manner as provided now by law for the enforcement of liens for the improvement of streets and side walks: *Provided*, that thirty days notice of the improvement to be made and the manner thereof, shall be given to resident property owners by notice served by the City Marshal, and by publication in the corporation newspaper four weeks to non-resident property owners: *Provided*, That the owners of property affected, shall have the same remedies by injunction and appeal that is now given by section 71 of the said act hereby amended. *And provided further*, that four weeks notice by publication in the corporation newspaper shall be given by the Common Council of their intention to pass such ordinance.

35. **Board of Health.** To establish a Board of Health, and to invest it with the necessary power to attain its objects.

36. **Coach Stand.** To establish stands for hackney coaches, cabs and omnibuses; to enforce the observance and use thereof, and fix the rate and prices for transportation of persons and property from one part of the city to another.

37. **Runners.** To regulate or prohibit runners at wharves, steamboat landings and railroad depots and stations, and other places.

38. **Sale at Auction.** To regulate the sale of all kinds of property at auction in the streets, stores, shops, or elsewhere, in the city, and to license auctioneers, and require them to pay a reasonable per cent. on the amount of sales.

39. **Regulate Speed.** To regulate the speed of horses, carriages, locomotives, and other vehicles within the city.

40. **Bridges, etc.** To regulate all bridges, culverts, sewers, canal or draw bridges, and the location thereof, and to maintain, regulate, and collect tolls on any plank road heretofore built and abandoned by the owners in any such city.

41. **Party Walls.** To regulate the building of party walls and partition fences, within the limits of said city, and to prescribe by ordinance in what portion the adjoining owners shall bear the expense of the same, and in what manner such expenses shall be levied and collected, and define the terms upon which partition walls and fences already constructed, may be used by adjoining owners.

42. **Speed of Railroads.** To regulate the speed of railroad trains through the city, and also to provide by ordinance for the security of citizens and others from the running of trains through any city, and to require railroad corporations to observe the same, and also to require such corporations to keep clean the gutters and crossings of the streets along which their railways may pass.

43. **Sewers, Drains and Cisterns.** To construct and regulate sewers, drains and cisterns, and provide for the payment of the cost of constructing the same; to cause the same to be done by contracts, given to the best bidder, after advertising to receive proposals therefor; to provide for the estimate of the cost thereof and the assessment of the same upon the owners of such lots and lands as may be benefited thereby, in such equitable proportion as the Common Council may deem just, which estimate shall be a lien upon such lots and lands, and may be enforced by sale of the same, in such manner as the Common Council may provide: *Provided, however*, that not [to] exceed ten per cent. of the value of of such lots and lands, as the same is valued and assessed upon the tax duplicate for State and county or city taxes, shall be assessed against such lot or lands, in any one year.

44. **Prisons.** To erect a prison, or prisons, within the limits of such city; and it shall be lawful to imprison therein persons convicted of offenses against the laws of such corporation, or for offenses against the penal laws of the State, and also persons charged with offenses punishable by indictment, or presentment, temporarily, until they can be conveniently removed to the county jails; so far as the same shall be applicable, the laws governing county jails shall be the law of such city prison, and in all cases where the county jails are convenient, may be used for city purposes, until a city prison shall be erected.

45. **Public Grounds.** To purchase, hold or convey real estate for the purpose of constructing public buildings thereon, or using the same for public parks or other public purposes; and if designed for a public park, cemeteries, water works, or fairs, such real estate may be purchased and held by such city, although lying without the limits of the corporation, and such city may, by ordinance, provide for the protection thereof and for the manner in which, and the persons by whom, the same may be used and occupied; and any conveyance heretofore made of real estate by any such city, for any of the purposes aforesaid, lying without the limits of such city, is hereby legalized and confirmed.

46. **Shade Trees.** To regulate the planting, maintaining and protection of shade trees along the streets and in public grounds, and to compel the owners of lots bordering on any street, or part thereof, to plant, maintain and protect

such trees, and, on failure so to do, to cause the same to be done, and the expense thereof shall be a lien on such property and collected in the same manner as street improvements.

47. **Public Square.** The Common Council of any city may, upon a petition of a majority of the legal voters of such city, sell any public square or public landing of such city, or any part thereof, and convey the same by deed, under the hand of the Mayor and seal of such city, and any moneys arising from any such sale shall be deposited in the treasury of such city, to be expended in the purchase of another public square and for the improvement of the same.

48. **School Trustees.** To compel the city school trustee or trustees to make a report to the Common Council.

49 **To Exempt Property from Taxation.** To exempt an amount of real property owned by any resident householder of such city, not exceeding three hundred dollars in value, from sale for street improvements.

50. **To Punish Contempts, etc.** To punish contempts and contemptuous and disorderly demeanor in the council room.

51. **To Drain Lands in the City.** To provide on what terms real estate in such city may be drained by means of surface or under drains over and across other real estate therein.

3107. Market Houses--Consent to Erection of. 1. It shall be unlawful for the Common Council in any city in the State of Indiana, to erect upon any street of any city in said State any market house, without first obtaining in writing the consent of two-thirds of all the owners of lots, or parts of lots, on such street, opposite to the place thereon where such market house is proposed to be constructed.

3108. Market Houses--Consent to Maintaining of. 2. It shall be unlawful for such Common Council to maintain any market house which now is or may be erected upon any street of any city in this State, without the written consent of two-thirds of all owners of lots or parts of lots, opposite the place where the same is erected.

3109. Market Houses, Nuisances--Declared a Nuisance. 3. Every market house so erected or maintained, without such consent of two-thirds of all the owners of lots, or parts of lots, opposite to such market house, is hereby declared a nuisance; and it shall be the duty of the Common Council of the city where such market house is so erected, to abate and remove the same; and if such Common Council shall fail to remove it, it shall be lawful for any owner of a lot or part of lot, opposite to such market house, to abate and remove the same, and may, by proper action, recover of and from such Common Council, the amount of money expended by him in and about the abatement and removal of the same.

3110. Pipes for Heating. 1. That the incorporated cities of this state are authorized by ordinance or contract, to grant to any person or corporation the right to lay down pipes in their streets, lanes, alleys, thoroughfares and public grounds, for the purpose of supplying the inhabitants thereof with steam, gas or water, for heating and motive power.

3111. Selling Real Estate. 1. That any city or cities incorporated under any general law of this State for the incorporation of cities and owning real estate shall have the power to alien, sell, and convey such real estate in whole or in parcels, as the Common Councils of such city or cities may deem expedient.

3112. Necessary Deed. 2. Such alienation, sale and conveyance shall be made by the Common Council of such city or cities by a vote of two-thirds of all the members of such Common Council. When any alienation and sale shall be made by such Common Council, they shall order and direct the Mayor of such city to execute and deliver a deed of conveyance to the purchaser, which shall be in the usual form and shall be executed in the name of such city and signed by the Mayor in his official capacity and sealed with the seal of the city, and when thus executed, acknowledged and delivered, shall convey all the right, title, and interest of the city in and to the premises so conveyed.

3113. Appraisement. 3. No such property shall be sold until the same has beeen appraised by three disinterested freeholders of such city to be appointed by the Judge of the Circuit Court of the county in which such city may be situated, neither of whom shall be members of the City Council, or officers or employes of such city. Said appraisers shall be first sworn to make a just and true valuation of such property, and shall return their appraisement in writing to the Mayor or Common Council of such city, and no such property shall be sold for less than the full appraised value thereof.

3113½. Purchase and Hold Real Estate. 1. That it shall be lawful for incorporated cities in this State to purchase and hold real estate within the limits thereof for sanitary purposes, and any conveyance heretofore made of real estate to any such city for any such purpose, within or without the limits of any such city, together with any and all bonds and obligations issued in payment thereof, or to raise revenue with which to pay therefor, are hereby legalized.

3115. Infirmary. The City Council shall have power to erect and establish, to maintain and regulate an infirmary for the accommodation of the poor of said city, either within the limits of such city or within the county in which it may be situated, and for such purpose may purchase and hold any real estate that may be deemed necessary. The management and government of any such infirmary, and the quantity of out-door relief to the poor, under such rules as the Council may prescribe, may be vested in a board of three directors, to be elected by the City Council, and shall hold their office for the term of three years; but it shall be so provided that one of said directors shall be elected annually. The City Council may elect, or the said directors shall appoint an overseer in each ward, who shall perform such duties in respect to the care of the poor and their removal to said infirmary, as the Council may prescribe.

3116. Borrow Money. 1 That any incorporated city of this State containing a population of fifteen thousand or over, may borrow money to an amount not exceeding two per centum of the taxable property of such city, as the same shall appear upon the tax duplicates of such city for the year in which such loan may be effected; and provided, that the entire money borrowed, shall not at any time exceed two per centum of the taxable property of such city.

3117. Purpose of Loan. 2. That such loans shall be made only for the purpose of procuring money to be used in the legitimate exercise of the corporate powers of such city as the same are prescribed and defined in laws providing for the incorporation of cities; and provided, that nothing in this act contained shall be in anywise construed as authorizing any city to contract any debt or liability for any other than a legitimate corporate purpose, but such loans may be made to procure money to pay debts already contracted in the due exercise of corporate powers conferred by the laws of the State.

3118. Ordinance for Loan. The City Assessor, City Clerk and City Treasurer shall, before any such bonds are ordered to be issued, join in an affidavit stating therein the total value of the taxable property of such city as shown by the tax duplicate, stating also the fair valuation thereof, which affidavit shall be reported by the City Clerk to the Common Council of such city. The Common Council shall thereupon cause an ordinance to be introduced providing for such loan, and the said ordinance shall be thereupon referred to such committee as the Common Council may deem proper, and said committee of such Council, shall, at the next regular meeting of such Common Council, report such ordinance to the Common Council with such recommendations as they may deem expedient. If the Common Council determine by a two-thirds vote of all the members thereof to make such loan, which determination shall be evidenced by the passage of such ordinance, the Mayor of such city shall order and direct the requisite number of blank bonds to be prepared and these he shall sign and deliver to the City Clerk, taking his receipt therefor, and the City Clerk shall countersign the same and attach the corporate seal thereto and deliver them to the City Treasurer, and shall take from such Treasurer a receipt for such bonds, and in such receipt shall be particularly described the said bonds as to date, number, amount and time of payment.

The bonds so received by such Treasurer shall be by him safely kept, and at the next meeting of the Common Council he shall report the receipt thereof to that body; upon report of such Treasurer the Common Council may authorize a committee thereof to negotiate a sale of said bonds, of which committee the Treasurer shall be a member, and all the money received from the sale of such bonds shall be by such Treasurer received and kept to be paid out under [the order] and the direction of the Common Council as money derived from other sources are directed by law to be paid out, and such Treasurer shall in a proper book, register said bonds, note the day of sale thereof, the money realized therefrom, and at all times keep a plain, correct and fair account of such transaction, so that the same may be readily understood, and shall at all times keep the same open and accessible to the public. It shall be the duty of the Treasurer within one week after the negotiation of such bonds, to report the same to the Common Council stating all the particnlars of such transaction, which report the said Treasurer shall duly verify by oath or affirmation. The said Treasurer shall faithfully pay over, and account for all moneys by him received from the sale of such bonds.

3119. Interest. 4. The Common Council may provide the rate of interest, not exceeding ten per centum per annum, which said bonds shall bear, and may prescribe the time and manner in which such bonds and interest may be payable: *Provided*, That no bonds shall be issued payable at a period of more than twenty years, *and provided*, that at no time shall there be outstanding of such bonds an amount in excess of two per centum of the taxable property of such city. The Common Council shall have power to dispose of said bonds as hereinbefore provided, but the same shall in no case be sold at less than par. The committee of the Common Council appointed to sell said bonds as hereinbefore provided, shall upon the sale thereof report to the Common Council the date of sale, the amount sold for, and the disposition of the proceeds of such sale or sales. The Committee shall cause a publication to be made for such time as they may deem proper, in a newspaper of general circulation, inviting proposals for such bonds, and shall sell the same to the highest and best bidder, provided the same shall not be sold at a less rate than that hereinbefore prescribed.

AN ACT to authorize cities and towns to issue bonds for the purpose of funding their indebtedness, reducing the rate of interest on pre-existing obligations, compromising with any creditors, or taking up and canceling bonds, notes or other obligations already due or which shall hereafter become due, and making it the duty of the Common Council of such cities, and Boards of Trustees of such towns, to levy taxes for the payment of the interest, and to provide sinking funds for the liqidation of the principal of such bonds and repealing all laws in conflict, and declaring an emergency.

(Approved February 15, 1887.)

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That any city or town in this State, having a voting population of less than sixteen thousand, as shown by the votes cast for Secretary of State at the last preceding election, and having an indebtedness evidenced by bonds, notes or other obligations heretofore issued or negotiated by such city or town, may, for the purpose of funding such indebtedness, or any part thereof, and reducing the rate of interest thereof, and canceling so much thereof as may be due or shall hereafter become due, upon the vote of two-thirds of the members of the Common Council of such city, or the Board of Trustees of such town, issue its bonds with interest coupons attached, for an amount not exceeding, in the aggregate, the whole amount of the indebtedness of such city or town, which bonds may be of any denomination not less than fifty dollars nor more than one thousand dollars, and shall be payable at any place named therein, and at a time not later than twenty five years from the date thereof, and shall bear any rate of interest not exceeding six per centum per annum, payable semi-annually, and such city or town may negotiate such bonds at any market or place at not less than par.

SEC. 2. The Common Council of such city, or the Board of Trustees of such town shall add to the tax duplicate thereof, annually, a levy sufficient to pay the yearly interest on said bonds, and may provide a sinking fund for the liquidation of the principal thereof, when it shall become due, which sinking fund, together with the interest, increase or profit thereon, shall be applied to the payment of said bonds, and to no other purpose: *Provided*, This act shall not authorize the issuance of bonds for the purpose of funding, nor the levy

of any tax to pay any indebtedness of a city or town which has been held to be illegal by any court of competent jurisdiction, nor shall this act be construed to have the effect of legalizing any illegal debt of or any bonds illegally issued by any city or town.

SEC. 3. The interest coupons attached to any bonds issued by authority of this act may, by order of the Common Council, or Board of Trustees, when due, be made receivable for taxes levied or assessed in any such city or town, or other municipal corporation for the payment of such interest, and when so ordered and expressed upon the face of the coupons, they shall be receivable in payment for any taxes thereafter levied or assessed in the city, town or other municipal corporation issuing the same, for the payment of said interest.

SEC. 4. All laws and parts of laws in conflict with the provisions of this act are hereby repealed.

SEC. 5. An emergency is hereby declared for the immediate taking effect of this act, and the same shall be in force from and after its passage.

3151. Sewers, Drains, Cisterns. 3. The Common Council shall have power to construct and regulate sewers, drains and cisterns, and provide for the payment of the cost of constructing the same, and when in its opinion the construction of any sewer would be of public benefit to the city and necessary for the improvement of any street or streets for the removal of surface or storm water therefrom, may, by a two-thirds vote, cause to be paid out of the city treasury such portion of the cost of the construction of such sewer as, in the opinion of said Council, would be equitable and just.

3152. Aid to Roads, Bridges, etc. 60. Any incorporated city under this act shall have power to borrow money, to subscribe to the stock of any plank road, macadamized road, or railroad, running into or through such city, or any bridge company organized under the laws of this or any other State, to construct a bridge across any river or water course, within or bordering on this State, where such bridge has its termini, or either terminus within such city or to public improvements, or public works, to make donations in money or bonds of such city, to aid in construction of such road or bridges, or public improvements or public works, only on petition of a majority of the resident freeholders thereof: *Provided*, That said donation shall not be payable either in money or bonds until the roads or bridges, or public improvements or public works, in aid of which it is given, shall be so far completed at to admit the running of trains from the point of commencement to such point or points as are designated in the petition, in case of a railroad or railroad bridge, or the passage of wagons in the case of other roads or bridges, and in case of public improvements or public works upon the completion thereof; and when so far completed it shall be obligatory on the Common Council of said city to contract and do whatever may be necessary, to carry into effect the substantial meaning of such petition, and the obligation herein enjoined may be enforced in the courts of this State having competent jurisdiction, on the application of any signer of such petition, or president of any road or bridge company in behalf of which such donation may have been made, at any time such petition or petitions have been presented to such Common Council, and for any debt created in pursuance of the provisions of this section in carrying out the intention of the petitioners aforesaid, the Common Council shall add to duplicate of such years thereafter, a levy sufficient to pay an annual interest on such debt or loan, with an addition of not less than five cents on the one hundred dollars, to create a sinking fund for the liquidation of the principal thereof, which fund with all the increase thereof, shall be applied to the payment of such debt and to no other purpose.

3153. Aid to Railroads, Hydraulic Companies, etc. That any city incorporated under the general law of this State, upon petition of a majority of the resident freeholders of such city, may hereafter subscribe to the stock of any railroad, hydraulic company, or water power, running into or through such city, or near the corporate limits of said city, or to make, on petition of the majority of resident freeholders of such city, donations in money or the bonds of such city, to aid in the construction of any such railroad, hydraulic companies, or water power: subject, however, to the limitations, direction and

restriction named in the proviso to the sixtieth section of the act entitled "an act to repeal all general laws now in force for the incorporation of cities, prescribing their powers and rights, and the manner in which they shall exercise the same, and to regulate such other matters as properly pertain thereto," approved March 14th, 1867. (§3152.)

3154. Jurisdiction Beyond Limits. 54. For removal and abatement of nuisances, to carry out and enforce sanitary regulations, for the apprehension of disorderly persons, vagrants, common prostitutes and their associates, to exact license money from all persons licensed to retail intoxicating liquors by county or State authority, and to regulate all places where intoxicating liquors are sold to be used on the premises, the Common Council shall have jurisdiction two miles beyond the city limits.

3155. By-Laws, Penalties. 56. The Common Council shall have power to make other by-laws and ordinances not inconsistent with the laws of this State and necessary to carry out the objects of the corporation, and to enforce the observance of all by-laws and ordinances, by enacting such penalties by [for] their violation, not exceeding one hundred dollars for any offense, which may be recovered in an action at law, with costs as they may deem right and proper.

CHAPTER XIII.

TAXATION.

3156. Ad valorem Tax for General Purposes. 58. The Common Council shall have power to levy and cause to be assessed and collected in each year, an ad valorem tax of not more than one per centum for general purposes on all property subject to State and county taxation, within such city, and also upon the stocks of all free banks, insurance companies, and other joint stock companies, doing business within such city. The said tax to be assessed and levied upon the stock of each individual shareholder of said companies and banks, whether such shareholder resides within such city or elsewhere. The cities and incorporated towns through or into which a railroad may pass,, may assess any railroad building, fixtures and machinery connected therewith, within the city or town limits, on the same basis and the same manner that the like property of natural persons is assessed, and collect the tax thereon as other taxes are collected; but the rolling machinery used in operating the road shall be deemed to be embodied in the taxes by the mile. And also a specific tax on omnibusses or any carriages or other vehicles used and run for passengers for hire, unless the same be licensed, and on each dog owned by any resident of such city, of not more than two dollars, and on any bitch owned by any resident of not more than five dollars; and also a poll tax not exceeding fifty cents of every male inhabitant, sane and not a pauper, of the age of twenty-one years, and not exceeding fifty years, residing therein; *Provided*, That any incorporated city having a population exceeding twenty thousand shall have power to levy and cause to be assessed and collected, in each year, an ad valorem tax of not more than one and one half per centum for general purposes, on all property within such city, returned for taxation by the City Assessor, and upon stocks of incorporations as before provided. There may also be levied and collected, annually, an additional tax to pay the whole interest on the public debt due from said city.

3157. Equalization--Refunding. 59. The Common Council, together with the Clerk and Assessor, shall constitute the Board of Equalization of such city, and shall, within one month after the assessment roll has been returned, at a stated meeting thereof, of which at least two weeks notice shall be given, hear and decide all complaints thereto, and shall equalize the same as right and justice may require, and shall have the power to equalize the valuations made by such Assessor, either by adding to or deducting from any valuation made as aforesaid, such sum as to them, or a majority of them, may appear just and equitable. The Common Council shall have power to refer the assessment lists, and all complaints in regard to any assessment, to a com-

mittee of said Council, which committee shall set from day to day and examine such lists, and hear and determine such complaints, and shall make report thereon to the Common Council within ten days after the meeting of the Board of Equalization before mentioned, which report shall be accompanied by a statement of the total amount or the taxables returned by the Assessor. The Common Council shall then proceed to fix the amount and rate of tax to be levied on property and polls within such city; and the Clerk shall have power, at any time, to correct erroneous assessments that shall be proven and made apparent to him; and the Common Council may, at any time, order the amount erroneously assessed against, and collected from, any tax payer, to be refunded to him.

3158. Sinking Fund Tax. 82. For the purpose of creating a sinking fund for the gradual extinguishment of the bonds and funded debt of any city coming under this act of incorporation, the Common Council thereof shall annually levy and collect, in addition to other taxes herein provided, not less than half a mill on the dollar upon the taxable property in such city, which shall be paid into the treasury and applied, by direction of the Common Council, to the extinguishment of the bonds and debts aforesaid, and to no other purpose whatever.

3159. Temporary Loans--Loans May be Made, etc. 83. Loans may be made by a vote of two-thirds of the Common Council, in anticipation of the revenue of the current and following year, and payable within that period, but the aggregate amount of such loan in any fiscal year shall not exceed the levy and tax authorized by this act for municipal expenses for the same year.

3160. State Law Governs. 259. Cities shall be governed by the provisions of this law, in regard to the matters embraced therein, so far as the same are applicable, and the duties required by the terms of the acts, to be done by the county officers, shall be performed by the corresponding officers of each city in regard to the listing and valuation of property, and the assessment of collection of taxes, and all matters pertaining thereto: *Provided*, That all city taxes shall be paid on or before the third Monday in April in each year: *And provided further*, That in any city in which the office of City Assessor be abolished, the assessment of real and personal property, as made and returned by the Township Assessor, shall serve as the assessment for city purposes, and the proper city officers shall have access to the Assessor's book in the County Auditor's office, for the purpose of transcribing therefrom a list of the property assessed, as the same shall have been equalized by the Board of Equalization.

6392. Additions to Cities. 124. Before any addition is made to any city or town, the person making the same, before such plat is recorded, shall present the same to the County Auditor, who shall assess and apportion the true valuation of each lot or parcel of land described in such plat, in the same manner as other lots are valued, and thereupon such lots or parcels shall be entered on the tax list in lieu of the land included therein; but in making such valuation, regard shall be had to the next preceding sex-annual valuation of the real estate, so that the said lots shall, as near as practicable, be equalized with adjacent lands and lots according to such sex-annual valuation.

3254. Bank Stock. 1. That the shares of capital stock owned or held by any person or body corporate, in any bank or banking association, chartered or organized under the laws of this State, or chartered or organized unthe laws of the United States (including the Bank of the State of Indiana, and its several branches, and national banks or banking association,) shall be taxed for municipal purposes by the corporate authorities of the incorporated towns and cities of this State, in which any such bank or banking association may have its banking house or place of business, and such shares of stock shall be taxed by the corporate authorities of the town or city in which such bank or banking association may be located, at the same rate as is or may be lawfully assessed by the corporate authoriites of such town or city on other taxable property.

3255. Auditor's Duty. 2. It shall be the duty of the Auditor of every county in this State, in which there is an incorporated town or city, having within its corporate limits any bank or banking association, contemplated by the first section of this act, on or before the first day of May, in each and every year, furnish to the Mayor or other principal officer of such town or city, on the demand of such Mayor or other principal officer, a certified copy (under his hand and seal of his office) of the sworn statement in writing, which may have been delivered to him by the President or Cashier of any such bank or banking association, in pursuance of the provisions of the seventy-seventh section (6345), of an act entitled "An act concerning taxation," approved March 29, 1881, which copy so to be furnished by such Auditor, shall be a copy of the sworn statement made and delivered for the current year, to such Auditor, by such President or Cashier, under the provisions of said seventy-seventh section.

3256. Auditor's Statement. 3. If no such sworn statement as contemplated by the foregoing section shall have been made and delivered to such Auditor, then it shall be his duty to made and certify under his hand and seal of his office, a full and true statement of all information which he may have obtained (in relation to such bank or banking association, its stockholders, and the number and value of shares of stock held or owned by them respectively), by or under the proceedings prescribed by section seventy-eight (6346), of an act entitled "An act concerning taxation," approved March 29, 1881.

3257. Assessment. 4. On receiving the certified copy of the sworn statement mentioned in the second section (3255), of this act, or the certified statement mentioned in the third section of this act, such Mayor or other principal officer of such town or city shall file the same in the office of the Clerk of such town or city, and the Assessor or Assessors, or other proper officer of such town or city, shall, from the information thus obtained, proceed to enter in the assessment roll and tax duplicate of such town or city for the current year, the names of the stockholders of such bank or banking association, and the number of shares and value of stock held or owned by each stockholder respectively, and shall assess thereon, to the owner or holder thereof, the proper amount of corporation or municipal taxes according to the rate that may at the time be chargeable on other personal property subject to taxation by such town or city, and if any such stockholder shall be assessed on said duplicates for either real or personal property, other than such stock, the amount and value of his said stock shall be added to his assessment as personal property.

3258. Collection of Taxes. 5. The taxes assessed under this act shall be paid by the owners or holders of such stock respectively, in the same manner as upon other personal property; and all laws and ordinances in force in such towns or city in relation to the collection of taxes, and all penalties provided for the non-payment of the same shall apply to the taxes assessed under the provisions of this act, but nothing herein contained shall be construed to prevent the President, Cashier, or other proper officer of any such bank or banking association from paying such taxes, and charging the amount so paid against the owner, or holder of such stock, but such taxes may be so paid and charged, and the amount thereof may be deducted from any dividend on such stock which have or may be declared thereon, and on notice given by the proper collecting officer of such town or city that any such taxes have not been paid when due, the same shall be paid by the President, Cashier, or other proper officer of such bank or banking association, out of any dividends due or become due on such stock.

3259. Tax a Lien. 6. Taxes assessed upon any share or shares of bank stock under the provisions os this act shall be and remain a lien against such stock until the payment of such tax, which lien shall attach on the first day of May of each year for which the assessment is made, and every transfer of such stock shall be subject to such lien.

3260. Bank Stock--How Valued. 7. In making the assessment and ascertaining the value of any shares of bank stock under the provisions of the act, there shall be deducted from the gross cash value of such shares the

proper proportionate part of the value of any real estate held or owned by any such bank or banking association in this State, and taxed under the laws thereof, in which any part of the capital stock of such bank or banking association may be invested, and in making such deduction the valuation of such real estate for taxation shall be the criterion.

3261. Agricultural Lands. That lands lying within the limits of any city or incorporated town in this State that are not platted as city or town property, and are not nsed for other than agricultural purposes, or are wholly unimproved, together with all personal property used for the purpose of farming on such lands, shall not be taxed in such city or town for all purposes at a higher aggregate percentage upon the appraised value thereof than the aggregate percentage of the tax levy in the civil township wherein such property is situated: *Provided, however*, That the provisions of this act shall not apply to parcels of land containing less than five acres.

3262. Assessment. That the office of Assessor in cities may be, and incorporated towns in this State shall be abolished and that the assessment of personal and real property, as made and returned by the Township Assessors to the County Auditor, as is now provided by law, in cities may, and [in] incorporated towns shall constitute the assessment for taxation for city and town purposes, in like manner as the County and State taxes. And the City and Town Clerks have access to the Assessor's books in the County Auditor's office, and they shall transcribe therefrom, on their tax duplicates, an accurate list of the taxable property assessed in each city and town, as it appears to have been equalized by the County Board of Equalization; and thereon compute the taxes levied by the city and town authorities.

3263. State Tax Law to Govern--Proviso. 2. Hereafter all general laws of the State for the uniform assessment and collection of taxes, and matters connected therewith or growing out of the same, shall apply to all incorporated cities and towns not having special charters, so far as the same shall be applicable. *Provided*, That all city taxes not paid on or before the third Monday of April in each year shall become delinquent. *Provided further*, That nothing herein contained shall be held or construed to prevent cities from exercising their discretion as to making assessments by City Assessors instead of by County Commissioners. (Township Assessors.)

3264. Non-Residents--Personal Property. 3. All personal property, notes, bonds, or other evidences of debts, which are, or may be, in the hands of any resident of any town or city,as guardian of persons not residing therein, or as executor or administrator of the estate of a person who did not reside therein, and in which such guardian, executor or administrator has no beneficial interest, shall not be subject to taxation by such town or city for municipal purposes.

6650. Where Taxes Paid. "An act authorizing cities in this State to permit municipal taxes to be paid in installments."

Approved February 27, 1883.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That any city in this State by a provision contained in the ordinance or resolution fixing the tax levy for any year may allow the taxes so levied for general city purposes to be paid in equal semi-annual installments, the first half to be paid on or before the third Monday in April, and the second half on or before the first Monday in November. *Provided*, That in all cases where the first installment shall not be paid on or before the third Monday in April, the whole amount unpaid shall become due and returned delinquent, and collected as provided by law; and there shall be a penalty added of ten per cent. upon the amount of any installment not paid when due, which the persons or property assessed shall pay, together with the cost of collection, and if such taxes remain delinquent at the succeeding first Monday in November there shall be a penalty of six per centum added to all such taxes that became delinquent at the preceding April and November settlements, and a penalty of ten per centum only shall be added to the current delinquency occurring on the first Monday in November. All poll or special taxes shall all be paid at the same time, on or before the third Monday in April. In all cities which do

not adopt and accept the provisions hereof, taxes shall be paid and collected as now provided by law.

6276. Exemption. 8. The following property shall be exempt from taxation:

First, The property of the United States and of this State.

Second. The property of any county, city or town, or township.

Third. All lands granted for the use of the common schools, so long as the same shall remain unsold.

Fourth. The personal property and real estate of every manual labor school or college incorporated within this State, when used or occupied for the purpose for which it was incorporated; such real estate not to exceed three hundred and twenty acres.

Fifth. Every building used and set apart for educational, literary, scientific or charitable purposes, by any institution, or by any individual or individuals, association, or incorporation, or used for the same purpose by any town, township, city, or county, and the tract of land on which such building is situate, also the lands purchased with the *bona fide* intention of erecting buildings for such use thereon, not exceeding forty acres; also the personal property, endowment funds and interest thereon, belonging to any institution, town, township, city, or county, and connected with, used, and set apart for any of the purposes aforesaid; and that taxes shall not be collected on any such property, real or personal, for the year 1882, or any preceding year.

Sixth. Every building used for religious worship, and the pews and furniture within the same, and the lands whereon such building is situated, not exceeding ten acres, when owned by a church or religious society, or in trust for its use; also every cemetery.

6276½. SECTION 1. That when any literary, scientific, benevolent, or charitable institution is the specific or residuary legatee of any devise or bequest, any money or choses in action going to or belonging to any of said institutions, shall not, while the same was in the hands of the executors be liable to taxation, and no taxes shall be collected thereon for the year 1881, or any preceding year, but the same shall be taken and be deemed to have been exempt from taxation.

6491. List to Prosecutor. 222. The County Auditor shall make a list each year, before the thirty-first day of December, of all the lands, town and city lots, which have been offered for sale three years successively, after the passage of this act, and which have remained unsold for the want of bidders, and in said list he shall describe the name of the person to whom said lands or lots are taxed, if known or if unknown, as they appear on the duplicate, and the aggregate amount of the taxes, penalty, interest, and costs due thereon, and a description of the lands or lots upon which the taxes are assessed, and such description shall be sufficient, if made in the manner that lands may be assessed for taxation under this act; and the Auditor, if he finds the description on the tax duplicate or delinquent list imperfect, shall correct and perfect the same, and he may amend such description at any time, which list he shall certify, under his hand and seal of his office, to be a true and correct list of such unsold lands, and he shall deliver the same to the Prosecuting Attorney, with an order to him to proceed to enforce the lien of the State of Indiana for such taxes, penalty, interest, and costs upon such lands or lots. Such Prosecuting Attorney shall also procure from the Treasurer of any city or incorporated town within the limits of which such real estate is situate, a statement of the aggregate amount of the municipal taxes, penalty, interest and costs due thereon. Before such Prosecuting Attorney shall proceed to enforce such lien, he shall ascertain if the same can be done, the name and residence of the owner of such lands or lots, and he shall proceed to bring suit in the Circuit Court of the county, in the name of the State of Indiana, on the relation of the Prosecuting Attorney, against such owner, making parties thereto all persons who claim to have an interest in said lands and lots, or who appear by the public records of the county to have judgment liens, mortgage liens, or other liens on record, upon said lands or lots; and also the city or town in which said real estate is situate, and requiring them to assert such liens or claims in said suit. The City Attorney shall appear for the city in

such case and assert its claim, and in so doing he shall be allowed a docket fee off [of ?] five dollars, to be taxed as costs. The process shall be issued and served and publication made, and all the proceedings conducted in the same manner as ordinary civil suits to foreclose mortgages are conducted, and the judgment obtained upon the lien for such taxes, penalty, interest, costs, and charges, shall have priority over all other liens upon such lands or lots, and next in order of priority shall be the judgment obtained for the taxes, penalty, interest, and costs due for municipal purposes to the city or town in which such real estate is situated, and such liens shall in nowise be affected or destroyed by any sale or conveyance of such lands or lots, or by any misnomer on the tax books or assessment books of the owner of said lands or lots.

6491½. Treasurer to Sell, when. 2. At the next sale for taxes after the passage of this act, the County Treasurer of any county in which lands, or town or city lots have been returned delinquent, or have remained unsold for three years or more, prior to March 29th, 1881, shall advertise and sell the same as other delinquent lands are sold, but the same shall be advertised separately from other lands, and the advertisement as to such lands and lots shall specify that they have remained delinquent for three years prior to March 29th, 1881. Such Treasurer shall offer and sell such lots and lands to the highest bidder for cash, and when such sale is made, the County Auditor shall give to such purchaser a certificate similar to those given in the case of other tax sales, and reciting the fact that the purchaser was the highest bidder for cash. Such certificate shall entitle the holder to a deed, as in other cases of lands sold for taxes. If the lands shall not be redeemed within two years from the date of such sale, the certificate shall be assignable as other tax certificates are. All such lands, or town or city lots, so advertised by the County Treasurer, which shall fail to sell for want of bidders, shall be considered forfeited to the State, and they shall be stricken from the tax duplicate by the County Auditor, and placed in a book provided for that purpose in a list headed, "Lands and lots forfeited to the State of Indiana for nonpayment of taxes." The owner of such land or lot, or any person may redeem the same from the State at any time within two years from the date of such failure to sell, which date shall be noted in such book by the Auditor, by paying to the County Treasurer all taxes, penalties and interest in arrears on the said property and the costs of such offer to sell; and such Treasurer shall at once notify the County Auditor of such redemption, and the property so redeemed shall be by the County Auditor again entered and continued for taxation on the proper tax duplicate. In case such lots or lands are not redeemed, the title thereto shall vest in the State of Indiana in fee simple absolute, and they shall be held and disposed of in the same manner as other lands of the State are held. The provisions of this section shall apply to City Treasurers, who shall also advertise and sell in like manner, and at the next sale for city taxes, to the highest bidder for cash, all lands and lots which have been delinquent, or have remained unsold for want of bidders, for three years or more prior to March 29th, 1881. All the proceedings of such City Treasurer in advertising, selling, making certificates and deeds, and allowing redemption and exacting forfeitures, shall conform to the provisions of this section: but the forfeiture shall vest title in the city by its corporate name, subject to redemption in two years; such City Treasurer shall also keep a book of entries of lands and lots so forfeited to the city, similar to that kept by County Auditors.

CHAPTER XIV.

STREETS, BRIDGES AND PUBLIC IMPROVEMENTS.

3161. Power over Streets. 64. The Common Council shall have exclusive power over the streets, highways, alleys and bridges within such city, and may prescribe the height, and manner, and construction of all such bridges; and to lay out surveys and open new streets and alleys, and straighten, widen and otherwise alter those already laid out, and to make repairs thereto, and to construct and establish sidewalks and crossings; they may cause buildings, structures, or other things, in the way of any street, or other public

improvement, to be taken down, removed and appropriated, upon the payment of damages, as hereinafter provided; and no person residing in said city shall be required or compelled to work on any road without the city; nor shall any property, lying or being within the city, be taxed for the purpose of working, opening, improving, or repairing, any road or bridge within the limits of said city; and the Common Council may exercise all the powers of Township Trustees, and the Street Commissioner, under the direction of the Common Council, may perform all the duties, and exercise all the powers, of Township Trustees and Road Supervisors, in reference to a road labor tax of two days by each person liable to work on roads in townships, and shall be governed by the same rules and regulations in reference to the collection and enforcement of the same; or any person so liable to work, may be discharged therefrom, on the payment of one dollar and fifty cents per diem: *Provided*, That the Common Council may, by general ordinance, prescribe the time within which such labor shall be performed.

3162. When Council May Make Improvements. 68. When the owners of two-thirds of the whole line of lots or parts of lots (and measuring only the front line of such lots as belong to persons resident in such city) bordering on any street or alley, consisting of one whole square between any two streets crossing the same, of [or] if the Common Council deem it expedient, for any reasonable distance upon any square or alley, less than one whole square or block, shall petition the Common Council to have the sidewalks graded and paved, or the whole width of the street graded and paved, or for either kind of improvement, or for lighting such street according to the general plan of such improvement in said city, the Common Council may cause the same to be done, by contracts given to the best bidder, after advertising to receive proposals therefor, and the Common Council shall have power to compel the owner or owners of a lot, or a part of a lot, on any street or alley, or upon any part of any street or alley, to repair the sidewalks in front of their respective lots or parts of lots, and in case the owner or owners of any lot or part of a lot, on any street or alley or any part thereof, fail or refuse to repair the sidewalks in front of their lots, the Common Council may cause such repairs to be made by the Street Commissioner, at the cost and expense of the owner or owners of such lot or lots; and the city shall have a lien on such lot or lots for the reimbursement to her of the cost of such improvement, and the Common Council are hereby invested with full powers to pass by-laws and ordinances providing how and in what manner the repairs shall be made, and in what manner the same shall be assessed and collected from such owner or owners, and the manner in which the lien of the city for the expense incurred by her may be enforced against the lot or lots of such owner or owners: *Provided*, That any incorporated city having a population less than ten thousand may, by a two-thirds vote of all the members of the Common Council, cause plank or gravel walks, of such dimensions as such Council may determine, to be constructed, either upon the natural grade of the sidewalks therein, or any modification thereof established by such Council, and the costs and expenses of any such improvements or repairs thereto shall be a lien upon the real estate fronting thereon, and shall be assessed and collected in the same manner as now prescribed by law for collecting assessments for improving streets, alleys and sidewalks: *Provided further*, That when the State of Indiana is the owner of property on or along the street or streets proposed to be improved, as hereinbefore provided, the Common Council shall not contract for the execution of said improvements involving the State in any liability, without first obtaining the written consent and approval of the Auditor and Treasurer of State; but such city may make such improvements at its own expense.

3163. Costs, How Appropriated. 69. In all contracts specified in the last preceding section, the cost thereof shall be estimated according to the whole length of the street or alley, or the part thereof to be improved per running foot, and the city shall be liable to the contractor for so much thereof only as is occupied by public grounds of the city bordering thereon and the crossings of streets and alleys, and the owners of the lots bordering on such street or alley or the part thereof to be improved, shall be liable to the contractor for their proportion of the costs, in the ratio of the front lines of the

lots owned by them to the whole improved line, and in making the assessments against such owners for the improvement, the ground shall be assessed across the ground fronting or immediately abutting on such improvement, back to the distance of fifty feet from such front line, whether such ground be subdivided by platting or conveyance, or in any other manner. All assessments where the ground to be assessed is held by more than one owner, shall be in the proportion of the fair cash value of each parcel, less the value of the improvements, to be determined by the City Engineer, and in case of sale upon a precept, each parcel shall be offered and sold separately, beginning with the front parcel, and so on to the last or rear parcel: *Provided*, That when the owner of any lot shall have made any improvement in front of his lot, in accordance with the general plan for the improvement of such street, and under the direction of the City Engineer, he shall be entitled to a reasonable allowance therefor, upon his proportion of the cost of such improvement which reasonable allowance shall be determined by the said Engineer: *Provided*, That all contracts made by any city, or any officer under the authority thereof, for public improvements or otherwise, in the profits whereof any officer of such city shall be interested directly or indirectly, shall be void.

3163½. Unplatted Lands--Costs How Estimated. 1. In all contracts heretofore made, or which may be hereafter made by order and under the direction of the Common Council of any city in this State, for the grading, guttering and improvement of any street or alley in such city, the costs of such improvements shall be estimated according to the whole length of the street or alley, or the part thereof to be improved, per running foot; and the city shall be liable to the contractor for so much thereof only as is occupied by public grounds of the city bordering thereon, and the crossings of streets and alleys; and the owners of lots bordering on such street or alley or the part thereof to be improved, shall be liable to the contractor for their proportion of the cost, in the ratio of the front lines of lots owned by them to the whole improved line; and in all cases where such improvement shall have been made, or may hereafter be made on any street or alley running along or through any unplatted lands lying within the corporate limits of such city, the cost of such improvements shall be estimated according to the whole length of the street or alley, or the part thereof to be improved per running foot, and the owners of such unplatted lands bordering on such street or alley or the part thereof to be improved, shall be liable to the contractor for their proportion of the cost, in the ratio of the front lines of such unplatted lands owned by them to the whole improved line; and in making the assessment against such owners for the improvement, such unplatted lands shall be assessed across the ground fronting or immediately abutting on such improvement, back to the distance of one hundred and fifty feet from such front line, and the contractor shall have a lien thereon for the value of such improvements: *Provided, however*, That where such land is subdivided, the lands lying immediately upon and adjacent to the line of the improvement, shall be primarily liable to, and for the whole cost of the improvement, and, should that prove insufficient to pay such cost, then the second parcel and other parcels in their order to the rear parcel of said one hundred and fifty feet, shall be liable in their order; and if the owners of such unplatted lands fail to pay for such improvements within sixty days after the completion of the same, such contractor may enforce his said lien in the Circuit Court of the county where such city is situated, and the court shall ascertain the value of such improvement, according to the contract price thereof, and render a judgment for the amount thereon against the owners of such lands, and direct that such lands, or so much as may be necessary, be sold by the sheriff upon an order of sale issued upon such judgment, without relief from valuation or appraisement laws, and the Sheriff shall issue to the purchaser a certificate of sale therefor, which shall entitle the holder thereof, his heirs or assigns, to a deed thereof within one year from the date of such sale: *Provided*, That the owner of such lands may redeem from any such sale under the provisions of the law now in force concerning the redemption of lands sold upon execution and foreclosure of mortgages.

3164. Estimates Made from Time to Time--Order without Petition. 70. When any such contract shall be made, or shall have been here-

tofore made, and shall have been in progress of fulfillment, the Common Council shall have power to cause estimate to be made, from time to time, of the amount of work done by the contractors, and to require such amount to be paid to him, deducting a reasonable percentage to secure the completion of the contract, until the whole shall be finished, and to prescribe the time within which the whole shall be completed; and such estimate shall be a lien upon the ground upon which they are assessed, to the same extent that taxes are a lien, and shall have the same preferences over other demands. The Common Council, with the concurrence of two-thirds of the members thereof, may order or cause any or all of the improvements mentioned in the preceding section, and repairs of any kinds of streets and alleys to be made in like manner, without such petition, and either charge and cause any or all of the expenses thereof to be assessed and collected, as hereinafter provided, when petition is made, or if it is deemed just and right by the Common Council, to cause such expenses, or any part thereof, to be paid out of the general revenue of the city.

3165. Amount Assessed, How Collected. 71. In case any of the owners of lots or parcels or ground, on which such assessments have been made, shall fail or refuse, for twenty days after the date of the estimate, to pay the amount thereof due by such person to such contractors, such contractors shall file his [their] affidavit in the Clerk's office of said city, stating that the whole or some parts of said assessment remains unpaid, showing the amount paid, and the amount due, that the estimate thereof has been duly made, and that the work estimated has been done according to contract. It shall be the duty of the Clerk at the next or any subsequent meeting of the Common Council, to report the said affidavit to the Council, whose duty it shall be to cause a precept to issue for the collection of such assessment, or any unpaid balance thereof, which precept shall be signed by the Mayor and attested by the Clerk, and sealed with the seal of said city, and shall set forth the name of the person against whom the assessment is made, the description of the lot or land on which it is made, and the amount of such assessment, and the date of the estimate, which shall be directed to the Treasurer of such city, commanding him to make such assessment or unpaid balance thereof, within ten days after receiving such precept, of the owner in whose name such assessment is made, which precept the Clerk shall forthwith deliver to the Treasurer, who shall serve the same by reading the same personally to such owner, or by leaving a copy of such precept at his last or usual place of residence; or if such owner be unknown, or not a resident of such city, then by publication for three successive weeks in a weekly newspaper printed and published in the city, briefly setting forth the facts of the estimate, the amount due, that the work has been done as contracted, the name of the person whose property is to be sold, the description of the property, and the date of the order of said precept by the said Council, and giving notice that if such assessment is not paid within twenty days after publication, he will proceed to make the same by levy and sale of the lot or land whereon the same is assessed. Any owner of land, or his representatives, aggrieved by such precept, may appeal therefrom within twenty days after such demand or publication to the Court of Common Pleas of the county wherein such city is situated, upon filing sufficient bond with the clerk of said city, conditioned for the payment of whatever judgment may be rendered against such appellant in said court, and such appeal shall stay all proceedings by such Treasurer, and the trial of such appeal shall be conducted as other trials of civil causes are conducted in said court: *Provided*, That no question of fact shall be tried which may arise prior to the making of the contract for the said improvement under the order of the Council. The Clerk shall, upon the filing of said bond, forthwith make out and certify, under his hand and official seal, a true and complete copy of all papers connected in any way with the said street improvement, beginning with the order of the Council directing the work to be done and contracted for, and including all notices, precepts, orders of the Council, bonds and other papers filed in said manner, which transcript shall be in the nature of a complaint, and to which the appellant shall answer upon rule, and in case the court and jury shall find upon trial that the proceedings of said officers subsequent to said order directing the work to be done, are regular, that a contract

has been made, that the work has been done, in whole or in part, according to the contract, and that the estimate has been properly made thereon; then said court shall direct the said property to be sold and conveyed by the Sheriff thereof, as the said Treasurer is hereinafter directed to sell and convey property liable to street improvements: *Provided*, That nothing herein shall be so construed as to prevent any person from obtaining an injunction upon the proceedings prior to the making of any such improvements. If no such appeal shall have been taken aforesaid, then it shall be the duty of such Treasurer, within ten days after the expiration of said twenty days, to lay said precept upon the lot or land therein described, and to sell the same or so much thereof, as may be necessary to pay such assessment with costs and charges; but before any such sale, he shall give notice of the time and place thereof by advertising the same three weeks successively in a newspaper printed and published nearest to such lot or land, if any such be printed and published within such county wherein such city is situated, and by posting up written or printed notices thereof in at least three public places in said city, and every such sale shall be by public auction, and upon or near the premises, or in the city court rooms of said city, in the discretion of said Treasurer, and no sale of said lot or land previous or subsequent to the date of such estimates and subsequent to the date of such petition or determination of the Common Council to make such improvement without petition, shall invalidate or effect any sale thereof in pursuance of this act. Upon the sale of any lot or land by virtue of such precept, and the payment of the purchase money, the Treasurer, or in case of his death or going out of office, his successor shall execute, acknowledge and deliver to the purchaser a certificate of conveyance for the premises, which shall be valid and effectual to convey all the right, title and interest of any such owner or purchaser from him as aforesaid, except as hereinafter provided, and shall be *prima facie* evidence of all the facts recited therein. In case the purchaser of any real estate, under a precept as aforesaid, having paid the purchase money therefor, shall die before a certificate of conveyance, as herein provided, shall have been executed to him, the Treasurer shall convey the same to the heirs or devisees of such deceased purchaser. The proceeds of any such sale [shall] be applied as follows, to wit: *First*, to the payment of such assessment, with interest thereon from the date of such estimates, and all costs accrued thereon by reason of said sale: and *secondly*, the residue of such proceeds shall be paid to the owner, or his or her heirs or representatives of such real estate; or, if unknown, it shall be paid into the City Treasury, and such city shall at all times be responsible to such owner, heirs or representatives, for such residue. The purchaser, under such precept shall hold such real estate subject to the lien of the unpaid part of its proportion of the whole cost of the improvement. The Treasurer shall be entitled to a commission of five per centum on the first hundred dollars, and three per centum on any excess above that sum; but when the money is paid to him without sale, one-half commission only shall be received by him; for levying on the real estate and advertising the same, he shall receive one dollar; for personal demand for payment, twenty-five cents; for return of the precept, with his doings thereon, one dollar; for making certificate on sale of real estate, one dollar; he shall indorse on said precept the time of receiving the same, and within three months thereafter he shall make return thereof to the Clerk, with his proceedings thereon. Any purchaser failing to pay the purchase money, shall be subject to the like penalties and proceedings as purchaser at Sheriff's sale are by the laws of this State. The owner of any lot or land sold as aforesaid, or his agent or attorneys, heirs and representatives, may redeem the same at any time within one year after the day of sale, by paying to the purchasers, or to the City Treasurer for the use of the purchasers, or his heirs or assignees, the sum mentioned in his certificate, and the amount of all subsequent assessments paid by the purchaser, with fifty per cent. on the whole sum and interest from date of purchase or time of payment: *Provided*, That infants, idiots, insane persons and *femmes covert*, may redeem any such lot or land belonging to them sold for assessment as aforesaid within one year from the expiration of such disability. Claimants of a part of such land, or of any undivided part of the same, may redeem the whole as other owners may redeem. If such owner or any person on his be-

half, shall fail to redeem such land within one year as aforesaid, at the expiration thereof, and on production of the certificate of purchase, the Treasurer shall execute to the purchaser, his heirs or assignees, in the name of the city, a conveyance of the real estate so sold, which shall vest in the grantee an absolute estate in fee simple, subject, however, to all claims which the city may have thereon for assessments, or liens, on incumbrances. Such certificate and final conveyance shall resemble, as nearly as may be, the certificate and conveyance for the tax sales, and be *prima facie* evidence of all the facts recited therein.

CHAPTER XV.

OPENING AND VACATION OF STREETS.

3166. City Commissioners. 1. There shall be appointed, once in each year, by the Civil Circuit Court in the county wherein is situated any city of this State incorporated under the general act for the incorporation of cities, five freeholders, residents of said city, who shall constitute a body to be called City Commissioners, and whose duty it shall be to hear and determine all matters appertaining to the acquisition, opening, laying out, altering and straightening of streets, alleys and highways within said city, and also to hear and determine all matters appertaining to the altering or straightening of streams within said city, and the taking of lands for sewerage purposes; such Commissioners shall serve for one year and until their successors are elected and qualified, and before entering upon the duties of their appointment, shall take an oath to faithfully and impartially discharge their duties as Commissioners, which oath shall be endorsed upon the certificate of appointment. The City Clerk shall, within three days after such appointment, issue to each Commissioner a certificate of his appointment.

3167. Proceedings in Council. 26. Before any matter of the opening, laying out and altering of any street, alley, highway or water course, or of the vacation thereof, shall be referred to the City Commissioners, the Common Council shall refer the matter to an appropriate committee, who shall examine the matter and report at the next meeting of the Common Council, upon the expediency of so referring, and if the Common Council shall determine, by a two-thirds vote, to submit the said matter to the Commissioners, it shall be so ordered, and shall thereupon be referred to said Commissioners, as hereinafter provided; but no such matter shall be submitted unless so ordered by a two-thirds vote of such Common Council. In case any Commissioner shall be interested, he shall be incompetent, and in case a number are interested so great as not to leave a majority competent, the Council may appoint, at any regular meeting, Commissioners *pro tempore*. Any person interested in such proceedings, or whose property is affected, may present his objections, and if the Commissioners be found interested, a Commissioner *pro tempore* shall be appointed.

3168. Duty of Commissioners. 2. Said Commissioners shall meet upon the request of the Common Council, and it is made the duty of the City Clerk to notify each of them of such request and to designate therein the time and place of meeting, which notice shall be served by the City Marshal, at least fifteen days prior to the time designated, either by reading or by leaving a copy at the usual place of residence of said Commissioner. They shall meet at the time and place designated, and examine the property sought to be appropriated, and shall also view and examine the real estate in the vicinity thereof, to be benefitted or injured by such proposed improvement. They shall, within ten days after they have concluded such examination, file in the office of the City Clerk, a written report describing the property to be appropriated, and the name of the owner, if it be known, giving it, and if unknown a description of all real estate to be damaged thereby, if any there be, in cases when no part thereof is taken, and the name of the owner, if it be known, giving it, and if unknown, stating the owner's name is unknown, a description of all real estate, beneficially affected by said change or improvement, stating the owner's name if known, and if unknown, showing it to be unknown. And

upon the filing of such report with such Clerk, said Commissioners shall also file with such Clerk a notice of the time and place where they will meet to estimate the injuries and benefits to the property sought to be appropriated, and to estimate the benefits and damages to all real estate injuriously or beneficially affected by such change or improvement, which meeting shall be held not less than fifty, nor more than sixty days from the time of the filing of such report and notice. And upon the filing of such report and notice, the Clerk shall issue a written or printed notice to the person whose lands are proposed to be appropriated, and to those whose property is proposed to benefit or damage, or against whom or in favor of whom any assessment is to be made. If such person reside in the county where said city is situated, notice shall be served upon him, either by reading or leaving a copy thereof at his last and usual place of residence, at least ten days before the time designated for such meeting. In case the land owner be unknown, or be not a resident of the county, or in case the residence of the land owner be unknown, then notice shall be made by publication once in each week in a newspaper of general circulation, published in said city, for three consecutive weeks. The last publication of notice must be at least fifteen days prior to the time designated for such meeting. It shall be the duty of the Marshal to serve such notice, and make due return of service of such notice to the City Clerk, and the City Clerk shall obtain proof of publication as provided by law, and preserve such proof, as also the notice returned by the Marshal. The notice to be issued by the Clerk shall state generally the character of the proposed change, alteration or improvement, but needs not described [describe] the proposed change, or improvement particularly, and needs not describe the property to be affected; but if it be sufficient to inform the person of the general nature or character or change, or of the general direction and character of the proposed route or line of the proposed street, alley, or highway, or watercourse to be laid out, changed or improved, and the time and place of such meeting, it shall be valid and effectual. If an interested person shall appear before the Commissioners, he shall not thereafter be permitted [to] aver either a defect or want of notice. It shall be the duty of the Marshal to serve all notices and subpœnas issued by the City Clerk, or the Commissioners.

3169. Hearings and Proceedings. 3. Said Commissioners, or a majority of them, shall meet at the time and place designated, and shall proceed and determine all matters concerning the laying out of the streets, alleys, or highways, or water-course mentioned in the notice issued to them. They shall have power to administer oaths, to hear evidence, and to examine witnesses, to adjourn from time to time. They shall also have power to issue subpœnas for witnesses, and require the Marshal to serve the same, and shall have power to require the City Engineer to render them such assistance as they may require. A majority or such Commissioners may act, determine and and make valid and effectual reports, and they shall have power to attach and punish, by fine, witnesses who fail to appear when properly subpœnaed.

3170. Assessment of Benefits and Damages. 4. It shall be their duty to examine the property sought to be appropriated, and to estimate its value, and they shall also view the real estate in the vicinity thereof, and estimate both the injuries and benefits thereto; in assessing and awarding damages and benefits, they shall not be confined to real estate upon or along the line of the proposed change or improvement, but shall estimate benefits and damages to all real estate injuriously or beneficially affected. They shall also consider and determine what part, if any, of the expense of such change or improvement ought to be paid out of the general fund of the city. They shall assess upon each lot of land belonging to the same person, the damages alone thereto, and shall also assess all benefits which may accrue to the real estate in the vicinity, and which may be beneficially affected, and shall also assess the value of real estate actually appropriated, and the benefits resulting to the part, if any there be, of any lot or parcel of land not taken, as well as to other real estate benefitted, but of which no part is taken.

3171. Report. 5. The said Commissioners shall, within ten days after they have concluded their investigation, file in the office of the City Clerk, a written report wherein they shall report upon the following matters to-wit:

First. The value of the property to be appropriated, describing it, and if the name of the owner be known, giving it, and if unknown, stating that the owner's name is unknown.

Second. The damages to property, any if there be, in cases where no part thereof is taken.

Third. The benefits to real estate beneficially affected by said change or improvement, describing the real estate, stating the owner's name, if known, and if unknown, showing it to be unknown.

Fourth. The general character and direction of the proposed improvement or change, as to length, direction and width.

Fifth. The amount, if any, to be paid by the city.

3172. Report. 6. The character of the change or improvement shall be stated with reasonable certainty, and the real estate for which damages are awarded, and that upon which benefits are assessed, shall be described with like certainty in the report of the Commissioners; in cases where both benefits and damages shall be assessed upon the same real estate, or to the same person or persons, the benefits if less than the damages, shall be deducted from the assessment damages. In assessing benefits, the said Commissioners shall consider, not only the real estate through which the proposed improvement is to pass, but shall consider all such as is benefitted, and which is in the vicinage.

SECTION 7. In case any land owner, interested in or affected by such proceedings, shall be of unsound mind, or shall be an infant, the Commissioners shall certify the same to the proper court, and said court shall thereupon appoint a guardian for such infant or person of unsound mind, and thereupon the Commissioners shall cause five days notice to be given each guardian, who shall thereupon appear and protect the interest of his ward. In case such infant or such person of unsound mind have a guardian, duly appointed and qualified, then notice may be served upon such guardian, as provided in the second section thereof, and such notice may be valid and effectual. If there be a defect of notice or failure of notice as to one or more interested persons, such failure or defect shall not affect such proceedings, except in so far as they may touch the interests of property of such person or persons themselves and shall not avail any other person concerned in such proceedings. Upon the application of persons whose lands or property shall have been assessed, but who have not had notice, which they must affirmatively show, the City Clerk shall notify said Commissioners, who shall meet upon their own motion, hear and determine the claims of such persons, to whom five days notice shall be given, and report to the Council, in case they are entitled to damages which have not been assessed, the same shall be paid out of the City Treasury, and in case the land shall have been assessed with benefits, and the Commissioners deem the assessment just, the original assessment shall be deemed valid and effectual, and shall be enforced as originally made.

3174. Action of Council on Report. 8. If the Common Council, within twenty-eight days after the filing of said report, shall, by a vote of two-thirds of the members thereof, determine to make the appropriation of the real estate for such improvement, they shall enact a resolution accepting said report and requiring the City Clerk to deliver a certified copy of so much thereof as assesses benefits and damages upon real estate, and in which the real estate so assessed is described to the City Treasurer. The Common Council may refer back the matter reported upon to said Commissioners, with such suggestions as they may deem proper, and the Commissioners shall meet and proceed, as provided in section twenty-three of this act.

3175. Duty of Clerk--Lien. 9. It shall be the duty of the City Clerk to deliver a certified copy of said report, as provided in the preceding section, to the City Treasurer, and to copy the entire report into the records of the Common Council, and to carefully file and preserve the original. The benefits assessed shall be a complete and valid lien upon the real estate, described as assessed, from and after the time the aforesaid resolution is adopted accepting such reports, and filing a copy thereof in the office of the Recorder of the county, and such lien shall be valid and enforceable against subsequent

purchasers, and shall have priority over all other liens, except those for State taxes.

3176. Payment of Damages. 10. The Common Council may determine to pay out of the general funds of the city the total amount of damages assessed, or any part thereof, and in case they shall be ordered and done, all benefits collected shall be paid into the treasury of the city, and shall belong to such city. In case the Common Council deem it proper to delay until such benefits are collected, they shall order the proceedings delayed until such benefits shall be collected: *Provided,* They shall not cause a delay beyond one year, except in cases where such delay is caused by appeal, injunction, or other legal proceedings.

3177. Collection of Assessment. 11. Within ten days after the receipt of the certified copy of the report as provided in sections eight and nine of this act, the City Treasurer shall, in cases where the owners of the lands assessed are residents of the city, make demands of them personally, for the amount of the benefits assessed, and demanding payment of the amount assessed, but said notice need not describe the real estate assessed nor the character of the improvement or change, and shall be sufficient, if it notify the person of the assessment, the date of filing and the amount assessed. In case the person or persons owning the lands should be non-residents of the city or unknown, or if their residence be unknown, then the Treasurer shall publish for three weeks consecutively, in a paper of general circulation, a notice specifying therein the date of the filing of the report, the description of the real estate assessed, the amount assessed, the names of the owners, if known, and if unknown stating them to be unknown. In case the persons notified personally, or by written notice left at their residence, shall fail to pay such assessment within three months thereafter, the Treasurer shall proceed to collect such assessments as hereinafter provided. and if the persons notified by publication shall fail to pay such assessment within one month after the last publication, the City Treasurer shall proceed to collect such assessment as herein provided. The said assessments shall be collected and enforced in the same manner as assessments for street improvements, and the provisions of the law in force at the time, upon the subject of the collection of assessments for street improvements ordered by the Common Council, shall govern the Treasurer, and he shall proceed in accordance therewith, except in this, that no precept shall be required, and that he shall proceed upon the certified copy of the report of the Commissioners; and with the further exception, that no other or further demand, than that herein provided for, shall be made. In all other matters he shall proceed in accordance with the law in force at the time of receiving the report, prescribing the duties of the City Treasurer in collecting a precept issued for the collection of assesssments for street improvement. It is hereby made the duty of the Treasurer to keep a proper record of all his proceedings.

3178. Report of Collections. 12. It shall be the duty of the City Treasurer to report to the Common Council the amount received by him upon such assessments at their regular meeting next after such receipts. He shall pay the damage only upon warrants ordered by the Common Council and drawn by the City Clerk.

3179. Private Corporations. 13. In case the Common Council propose to appropriate a highway, bridge, or other property, owned by a private corporation, or to assess benefits or damages upon property so owned, the Clerk shall give notice to such corporation, and the said notice shall be served upon any officer thereof residing in such city, and if there be no officer residing in the city, then upon any agent residing therein, or doing business in such city for such corporation. When a highway, or bridge, within a city, owned by a private corporation, is abandoned, or suffered to be out of repair so as to incommode or endanger travelers, the Commissioners aforesaid are required to consider these facts in estimating the injury, if any, accruing from its use, or appropriation for public purposes by the city, and may also estimate whatsoever it may cost such city to make the bridge or highway safe and free from damage.

3180. Appeal. 14. If any person having an interest in the lands, affected by such proceedings, shall deem himself aggrieved thereby, he may appeal to any court of the county of general jurisdiction within thirty days after the confirmation of said report by the Council. In such cases the person asking the appeal must designate the court to which he appeals, and file a bond within thirty days from the confirmation of said report, condititioned for the payment of all damages and costs which may accrue by reason of such appeal, should he not prosecute such appeal to effect. Upon such appeal may be tried the regularity of the proceedings of the Commissioners, and the questions as to the amount of benefits or damages assessed, but such appeal shall not prevent such city from proceeding with the proposed appropriation, nor from making the proposed change or improvement. The City Clerk shall, upon the filing of a bond with sufficient surety conditioned as aforesaid, make a transcript of the proceedings of the Council regulating the meeting of the Commissioners, the notice to the persons appealing the proceedings, and the report of the Commissioners, and the action of the Common Council thereon, upon the second day of the term. After filing of the said transcript, and of which filing the appellant shall notify the Attorney of the city, in writing, the appellant shall, in writing, state specifically the grounds of his objection to the proceedings of the Common Council and Commissioners, and [no] other questions shall be tried or heard, except such as are with certainty to a common intent presented by the aforesaid written statement filed by such appellant. If the transcript shall show that a majority of such Commissioners were present at the meeting in which were had the proceedings appealed from, then no question shall be considered or tried concerning the request of the Common Council to the Commissioners, nor as to the character of the notice or manner of serving it upon said Commissioners. The transcript of the proceedings of the Common Council and Commissioners shall be considered as the complaint, and the written statement to be filed by the appellant, as aforesaid, shall be in the nature of an answer or demurrer. Issues of law and of fact may be formed, tried and determined as in other actions at law. The question as to whether notice was given others, or as to whether proper assessments were made in favor of or against such persons other than the appellant, shall not be tried, nor shall any question be tried which does not directly affect the property or right of the person or persons, who take the appeal as aforesaid. No question shall be tried concerning the regularity of the appointment of the Commissioners, their qualifications or competency, unless the appellant, by answer duly verified, shall put such matter, in issue, but of their appointment, competency and qualification, the records of the Common Council shall be *prima facie* evidence, and it shall only be necessary for the City Clerk in the transcript to be certified by him as aforesaid, to recite that the Commissioners were duly appointed and qualified, without in anywise setting out their appointment, qualification or competency in such transcript. If upon such appeal the report of the Commissioners, as to the benefits or damages be greatly diminished or increased, the city may, upon the payment of all costs, discontinue such proceedings.

3181. No Injunction. 15. If the Commissioners make a report to the Common Council, as herein provided, no injunction shall lie to restrain proceedings, unless the Common Council shall proceed to appropriate property upon which damages have been assessed, without first causing the same to be paid or tendered, but all other questions shall be raised and tried by appeal in cases where damages have been assessed, paid or tendered.

3182. Payment--Damages. 16. It shall be the duty of the City Treasurer to pay or tender, or cause to be paid or tendered, the damages assessed to the person to whom assessed. Should such damages be claimed by different persons, and the Treasurer be duly notified thereof, he shall, in writing, certify that fact to the Attorney of the city, and it shall be the duty of the Attorney to file a bill of impleader in a court of general jurisdiction of the county, making parties thereto such claimants, and he shall also pay into the hands of the County Clerk the damages aforesaid, and upon the determination of the question, the money shall be paid to the party entitled thereto, but the damages, so far as concerns such city, shall be deemed paid from the time of

their payment into the hands of the County Clerk. It shall be the duty of the Attorney of the city to take a receipt from the County Clerk for the money so paid, which shall be by him delivered to the City Treasurer, who shall file and preserve the same. It shall be the duty of the said County Clerk to safely keep such moneys, and if he go out of office, to hand the same over to his successor.

3183. Tender Injunction. 17. When the owners of the property are residents of the city, the Treasurer shall tender damages to them at their places of business, or at their residence or domicil, as he may elect. When such persons are unknown or not residents of the city, or if the Treasurer, upon diligent inquiry, can not ascertain the residence or place of business of a resident of the city, he shall publish in a daily newspaper, once in each week for two consecutive weeks, a notice specifying the amount in the treasury to be paid as damages, and stating the real estate upon which assessed, and the readiness on his part to pay the same, such notice so published as aforesaid, if it state with reasonable certainty the amount of damages and so described the real estate upon which assessed, shall constitute a valid and effectual tender. In case an injunction is obtained because damages assessed have not been paid or tendered, the defendant may, at any time before the determination of the suit, pay or tender the damages assessed, with interest from the time the property is entered upon, seized or appropriated, and all accrued costs, and thereupon the injunction shall be dissolved. It shall be the duty of the Attorney of the city, when an injunction is obtained upon the grounds as aforesaid, to notify the City Treasurer to ascertain the amount of damages assessed and interest thereon, and costs accrued, and such amount shall be drawn from the treasury and paid into the court from which such injunction issued. The said Treasurer shall take from the Clerk of the Court, in which such suit from injunction is pending, a receipt for the amount paid him, and from the time of such payment into court as aforesaid, the city shall be absolved from liability, unless there are valid grounds for an injunction.

2184. Vacation of Streets, etc. 18. The Common Council shall have power to vacate streets, alleys, water courses, public highways or squares, or any part or parts of either, whenever they deem it expedient for the public interests. Whenever a petition shall be presented by three reputable freeholders, praying for the vacation of any streets, highways, alleys or public squares, the Common Council shall refer the petition and matters appertaining thereto to the City Commissioners. The persons praying for such vacation shall serve notice by personal service or by leaving copy at the residence of persons interested, or by publication in the same manner as provided in the third section of this act, and shall show, by affidavit, due service of such notice. The said petitioners shall accompany their petition with a map or plat of the street, alley, highway or square, or the part or parts, which they propose to have vacated, and shall, on said map or plat, show the surrounding locality, and shall also state the reasons upon which they base their petitions for vacation. All the expense of such proceedings shall be paid by said petitioners, unless the Common Council shall otherwise direct.

3185. Proceedings of Commissioners. 19. The City Commissioners shall meet pursuant to such notice and shall examine witnesses and hear evidence, and may administer oaths, and adjourn from time to time. They shall view the street, alley, highway or square or part thereof, proposed to be vacated, and shall determine what persons, if any, will be benefitted thereby, and shall assess benefits if any. In case any property owner, immediately upon the line of said street, alley, highway, or square, or part thereof sought to be vacated, who is directly interested therein, shall object to such vacation, the City Commissioners shall report such facts to the Common Council. If the Commissioners should consider that the necessary or proper parties have not been brought before them, they may require the petitioners to notify each person or persons as they may deem entitled to notice.

3186. Report. 20. Within ten days after their determination, such Commissioners shall file in the office of the City Clerk, who shall transmit the same to the Common Council, or report in writing, stating therein:

First. The length, width and location of the street, alley, highway or square, proposed to be vacated.

Second. The value of the land upon which such street, alley, highway, or square is situated.

Third. The benefits to the persons desiring the vacation.

Fourth. The names of property owners or persons who may object to the vacation of such street, alley, highway, square or park, and the nature of their interest therein.

3187. Action on Report. 21. The Common Council shall either refer the request back to the Commissioners, or accept or reject the report within twenty-eight days after it is made to them. If they accept such report, they shall require the person against whom benefits are assessed, to pay the same into the City Treasury within twenty days thereafter. The Common Council shall have no power to order such vacation when objected to by property owners adjacent thereto. No person shall have any power or right to make any private use of a street, alley, highway or square ordered to be vacated, until the benefits assessed shall have been fully and entirely paid; and unless paid within the time limited, the proceedings shall be wholly void.

3188. Clerk's Duty. 22. It shall be the duty of the City Clerk to keep, in a separate book, a record of all the proceedings of the Common Council and City Commissioners concerning the opening, laying out, changing and vacation of streets, alleys and highways, and to carefully and accurately index the same: *Provided*, That the Common Council may furnish him with printed blanks.

3189. Reference of Report and Proceedings. 23. The Common Council, upon examination of any report of such City Commissioners, may refer the same back to the said commissioners for further action, and when so referred, the Common Council shall designate at what time such commissioners shall meet to re-examine the matters, and the commissioners shall meet upon that day, and of the action of the Common Council, and of the time of meeting, the parties interested shall take notice, without any notice whatever being served upon them. The Common Council shall have power to refer any report whatever, under any provision of this act, back to the said commissioners, and when so referred, the commissioners, shall within ten days after the conclusion of their examination, upon such reference, make reports as herein provided; and the Common Council shall, within twenty-eight days after the same is made, either approve or disapprove the same. The proceeding upon such second report shall be the same as that provided where the first made is accepted and approved. When a second report is made it shall be deemed final, and the Common Council must accept or reject the same within twenty-eight days after it is made to them. When any report is referred back to the commissioners, the Common Council may make such suggestions as they may deem proper, and may also call the attention of the commissioners to errors and defects, if any there be in such report; but such suggestions shall not be binding upon said commissioners. Upon such reference, the commissioners shall meet as hereinbefore provided; and said commissioners may amend or alter their said report as they may deem proper and just, and shall consider any and all suggestions made to them by the Common Council.

3190. Change of Street on Petition of Abutters. 24. Whenever a street, alley, highway or water course shall have been opened or laid out, the abutters thereon may, by mutual agreement, change the same so as to give it a proper vacation [location], width or direction: *Provided*, They shall first obtain the consent of the Common Council. Before any such change shall be made, the persons interested therein shall file with the City Clerk a written agreement and shall state in their petition the reasons for such change and shall accompany the petition with a map or plat of the highway and the surrounding locality.

3191. Removal of Obstructions. 25. The Common Council shall have power to pass all ordinances necessary to more effectually carry into execution the powers herein granted, and which are not inconsistent with the laws of the State, and they may also cause to be opened streets, alleys or highways which have been laid out or opened, but which have not been vacated, and they shall have power to cause all obstructions to be removed from high-

ways, streets, alleys or water courses, when necessary for the general welfare. The Marshal of said city shall have full power to open any street, alley or highway, when directed by the Common Council, and may remove any and all obstructions therein. When any person shall, after five days' notice, fail, neglect or refuse to remove obstructions, the Marshal shall cause the same to be done at the expense of such persons, and shall cause the City Attorney to enter an action therefor, and in such action, judgment shall be rendered against such person for the reasonable expense and cost of such removal.

3192. Plats. 27. When any street or alley shall have been opened or laid out, or whenever such street or alley thereof shall be vacated, a proper plat thereof shall be filed thereof in the Recorder's office of the county in which such city is situated. In case of the opening or laying out of any street or alley, the plat shall be made by the City Engineer, and filed by the City Clerk, and in case of any vacation of any street or alley, the persons desiring such vacation shall, at their own expense, cause such plat to be made out, filed and recorded, and no order of vacation shall be deemed of effect until such plat is filed in the office of the Recorder as aforesaid.

3193. Pending Proceedings. 28. No proceedings now pending, nor any action pending, or right of action, shall be extinguished or rendered invalid by the provisions hereof, nor shall anything herein contained be construed as abridging the powers of the incorporated cities of the State as conferred by the act of incorporation, except as herein expressly provided.

3194. Compensation for Damages. 29. If any owner of real estate shall, after the service of notice and during the pendency of such proceedings, make any improvements of the real estate sought to be siezed for the purpose of street, alley, highway, or water course, he shall not be entitled to any compensation whatever therefor, and if any land owners shall, after service of notice, and during the pending of such proceedings upon him, do any act which shall render the opening or change of a street, alley, or highway, or water course more expensive, the expenses thus caused shall be deducted from any charges awarded him on his real estate: *Provided*, That nothing herein contained [shall prevent] as preventing any such owner from receiving just compensation for such improvements as may have been commenced or contracted for prior to the service of such notice. It shall be the duty of all persons laying out or dedicating streets, alleys, highways, to make the same conform in all respects to those of the city, and when they do not so conform to streets, alleys or highways already laid out, the existence thereof shall not be deemed to benefit the real estate of such person: *Provided*, That nothing herein contained shall be considered as requiring such owner to grade or otherwise improve such highway, except as provided in the general law for the incorporation of cities.

CHAPTER XVI.

ANNEXATION OF TERRITORY.

3195. Extension Over Platted Lots. 84. Whenever there shall be, or may have been, lots laid off and platted adjoining such city, and a record of the same is made in the Recorder's office, in the proper county, the Common Council may, by a resolution of the board, extend the boundary of such city so as to include such lots, and the lots thus annexed shall thereafter form a part of such city, and be within the jurisdiction of the same. The Common Council shall immediately thereafter file a copy of such addition in the office of the Recorder aforesaid, which shall be recorded.

3196. Extension Over Contiguous Territory. 85. The limits of any ciiy may extend over any lands or contiguous territory by the consent of the owner thereof in writing, and a resolution of the Common Council, passed by a two-thirds vote, extending the limits of such city over such lands, or territory, which written consent and resolution shall be entered at length in the records of such city; and the Common Council shall cause a certified copy of both to be recorded in the Recorder's office of the proper county. If any city

shall desire to annex contiguous territory not laid off in lots, and to the annexation of which the owner will not consent, the Common Council shall present to the Board of County Commissioners a petition setting forth the reasons of such annexation, and at the same time present to such board an accurate description, by metes and bounds, accompanied with a plat of the lands or territory proposed or desired to be annexed to such city. The Common Council shall give thirty days' notice, by publication in some newspaper of the city, of the intended petition, describing in such notice the territory sought to be annexed.

3197. Proceedings by County Board. 86. The Board of County Commissioners, upon the reception of such petition, shall consider the same, and shall hear the testimony offered for or against such annexation, and if, after inspection of the map and of the proceedings had in the case, such Board is of the opinion that the prayer of the petition should be granted, it shall cause an entry to be made in the order book, specifying the territory annexed, with the boundaries of the same according to the survey, and they shall cause an attested copy of the entry to be filed with the Recorder of such county, which shall be duly recorded in his office, and which shall be conclusive evidence of such annexation in all courts of this State.

CHAPTER XVII.

DISANNEXING TERRITORY, PLAT.

3247. Disannexing Territory. 1. That cities and towns of this State desiring to disannex territory or reduce their city or town limits, shall have power to do so in the manner following: The Common Council of cities and Boards of Trustees of towns desiring the relief under this act, shall cause a petition to be filed with the Board of Commissioners of the county in which such city or town is situated, reciting the fact of the desire of such city or town to disannex certain territory and surrender jurisdiction over and control of the same, particularly describing the same and in such petition formally surrendering all claims to control of and jurisdiction over such land. Notice of the filing of such petition and the substance thereof, shall be published for three weeks successively in some newspaper printed and published in such county previous to the first day of the meeting of such Board of Commissioners. If the facts in such petition be found to be true, said Board shall cause an order to be made upon their record, declaring such property disannexed from such town or city from the date of such order, and that the same shall be relieved from the control of such city or town, and no longer be subject to such jurisdiction, which said order, when so made, shall be published for three weeks successively in some weekly newspaper printed and published in said county: *Provided*, That nothing herein contained shall release the territory so disannexed and surrendered, from any taxes or other liens existing against such city or town at the time of, or prior to, the order of such County Board disannexing such territory.

3248. Disannexing Territory. 1. That the Common Council of any city, or the Board of Trustees of any incorporated town of this State, is hereby authorized and empowered, at any regular meeting of the same, on the application of any owner of any suburban lot or tract of land not laid out in lots, by a two-thirds vote of such Common Council or Board of Trustees, so to modify the boundaries of such city or incorporated town, as to exclude therefrom such lots or tracts of land, upon such terms as the Common Council or Board of Trustees may impose.

3249. Survey and Plat. 1. Any city incorporated under the authority of this State, that has no sufficient survey and plat thereof, may by a resolution of the Common Council thereof, adopted by a vote of ayes and nays, providing two-thirds of all the members of such Council shall vote therefor, order and direct that a survey and plat of such city shall be made by competent persons, to be chosen by such Council; and when any such survey and plat shall have been made, the Common Council of such city, may adopt such

survey and plat, by resolution, by a vote of ayes and nays, providing three fourths of all the members of such Common Council shall vote therefor; and when a certified copy of the resolution ordering such survey and adopting the same, with the vote thereon, and the names of the members voting for and against the same, signed by the Mayor and Clerk, and attested by the seal of such city, shall have been recorded, together with the survey and plat, in the office of the Recorder of the county in which such city may be located, the said survey and plat shall be deemed and taken as adopted by such city, for all purposes whatsoever; and the original or the record thereof, or any duly certified copy thereof, shall be admissable in evidence in any judicial proceeding in all courts of justice in all cases and for all purposes.

3250. Survey and Plat. 2. Whenever any survey and plat of any city shall have heretofore been made, and such city may desire to adopt the same, it shall be competent for such city to do so by resolution of the Common Council thereof, by a vote of ayes and nays, providing three-fourths of all the members of such Common Council shall vote therefor; and when such resolution adopting the said survey and plat, with the names of the members voting for and against the same, duly authenticated as provided in section one of this act, shall have been recorded with the said survey and plat, in the office of the Recorder of Deeds of the county in which such city is located, the same shall be deemed and taken as adopted by such city for all purposes whatsoever, and the original plat and survey or the record thereof or any copy thereof, duly authenticated by the Mayor and Clerk, under their hands, and attested by the seal of such city, shall be admissable in evidence in any judicial proceeding in all courts of justice and in all cases and for all purposes.

3251. To be Kept by City Clerk. 3. The original survey and plat when recorded by the Recorder shall be deposited in the office of the clerk of such city for safe keeping.

3252. Law Applies to Towns. 4. The provisions of this act shall extend to all towns incorporated under the authority of this State, and in such incorporated towns as have a Board of Trustees instead of a Common Council, the duties required by this act to be performed by the Mayor shall be performed by the President of the Board of Trustees, and the duties performed by the Common Council, shall be done and performed by the Board of Trustees thereof.

5253. Legalized Plats. 2. The acknowledgements of all plats of towns and cities, and of all additions thereto, heretofore taken and certified by any officer provided for in section 3374, are hereby legalized, and the recording of such plats and additions as have heretofore been acknowledged before and certified by any officer provided for in the first section of this act, is hereby declared to be valid and effectual in law to all intents and purposes.

CHAPTER XVIII.

FIRE DEPARTMENT.

3198. Councilmen as Fire Wardens. 72. The councilmen, by virtue of their offices, shall be fire wardens, or the Common Council shall appoint one or more fire wardens, and all fire wardens shall have power, at all reasonable hours, to enter into and examine all dwellings, out-houses, lots and yards in their respective wards, or in said city, to inspect all places wherein fire is used, and to ascertain how ashes are kept and disposed of.

3199. May Regulate the Construction, etc. 73. The Common Council shall have power to regulate the construction of chimneys, hearths, ovens, the erection of stoves and stove-pipes, boilers and apparatus used in manufactories, and in buildings, and cause the same to be removed or made secure when considered dangerous, to compel owners and occupants of houses and buildings to make scuttles in the roof thereof, and stairs and ladders leading to the same.

3200. Fire Engines, etc. 74. The Common Council may procure fire engines and all other apparatus necessary for the extinguishment of fires, and

have the charge and control of the same, and shall provide engine and other houses for their preservation and security; shall organize from reputable citizens, fire and hook and ladder companies, and companies auxiliary thereto, and make rules for their government and regulation, with such penalties for neglect and misconduct as shall be deemed proper. They may remove members of said companies and appoint others in their stead.

3201. Chief Engineer, Duties, etc. 75. The Chief Engineer shall have the superintendence of the fire department. He shall see that all apparatus for the extinguishment of fires, belonging to the city is kept in proper order, and from time to time report to the Common Council, the condition of the same, and the repairs or additions thereto to render the department efficient. He shall appoint a first and second assistant engineer with the advice and consent of the Common Council, who shall act under his directions. Said Engineer and Assistants, when clothed with their proper badges, shall have authority to require any person present, and not attached to any fire company, to work in extinguishing the fire, or in aiding to save property from destruction or in such places and in such manner as the said engineer or his assistants shall direct, and to order all bystanders, who are unemployed, or whose assistance is useless, to remove to such distance as the said engineer or assistants may prescribe. Said engineer and assistants shall have all the power of police officers during the continuance of a fire, to suppress disturbances, and to arrest any person who may commit any breach of the peace, or any depredation or injury to the property of another, or who shall refuse to obey any order or direction lawfully given by said engineer or his assistants, and to conduct the offender before the Mayor, or other proper magistrate, or, if necessary, to commit him to the county prison or jail, until a hearing can be had.

3202. Exemptions of Engineer, etc. 76. The engineer and assistants of the fire departments, fire wardens and firemen, and members of all other auxiliary companies to the fire department, established by the Common Council, shall have their names registered with the clerk of the city, and his certificate of such registry shall exempt such persons for the current year, from serving on juries in all courts and in the militia, except in case of war, invasion or insurrection.

3203. In Case of Fire, Buildings May be Blown up, etc. 77. When any building in the city is on fire, or any building adjacent thereto is liable to take and convey fire to other buildings, to the great destruction of property, it shall be lawful for the chief engineer, or engineer acting as such, with the concurrence of the Mayor or any five councilmen, to take down, blow up or destroy the same, and no action shall be maintained against any person thereof, but the person owning or having an interest in such building may, within three months thereafter, apply in writing, to the Common Council to assess the damages sustained thereby, and the Common Council shall appoint three reputable freeholders to determine the amount of damages done to the property of the complainant by the destruction of such building. Such assessment shall be made under oath, and subscribed by the person making the same, and filed with the Clerk of the city within ten days from the date of their appointment, but the complainant or corporation may, within twenty days thereafter, appeal therefrom to the Circuit or Common Pleas Court of the proper county. The damages awarded by the Common Council, or by the judgment of such court, shall be added to the next annual levy, and collected with the general tax and paid over to such claimant.

3778. Fire Patrol. 1. The Boards of Underwriters, incorporated by, or under the laws of the State of Indiana, shall have power to provide suitable rooms for the accommodation of a fire patrol, and also to provide a patrol of men, and a competent person to act as superintendent to discover and prevent fires, with suitable apparatus to save and preserve property or life at or after a fire, and the better to enable them so to act with promptness and efficiency, full power is given such superintendent, and such patrol, to enter any building on fire, or which may be exposed to or in danger of taking fire from other burning buildings, subject to the control of the Chief Fire Engineer of

the city, and at once to proceed to protect, and endeavor to save the property therein, and to remove such property, or any part thereof, from the ruins after a fire.

CHAPTER XIX.

CITY COURTS.

3204. Election of Judge. 1. That the legal voters of any incorporated city, having a population of over six thousand inhabitants, may at any special election, elect a City Judge, if the Common Council, by proper order duly entered of record, shall have so directed; such Judge shall have the qualifications required for Judges of the Circuit Court, and shall have the jurisdiction and powers as in this act is provided, and shall hold his office for the term of four years and until his successor shall be elected and qualified.

3205. Commission, etc. 2. When the Mayor of such city shall certify to the Governor that said city has a population of over six thousand inhabitants, and that a person (naming him) has been duly elected to the office of City Judge, the Governor shall issue his commission to such Judge (as in like cases), but before such Judge shall enter upon the discharge of his duties, he shall take and subscribe to the oath of office as required by Judges of the Circuit Courts, and shall execute his bond, with two or more responsible freehold sureties, payable to the State of Indiana, in the penal sum of five thousand dollars, conditioned that he will faithfully, and to the best of his ability, perform the duties of his said office, and that he will pay over to the persons entitled thereto all moneys that may come into his hands by virtue of his office, which bond shall be filed in the office of the clerk of the circuit court of such county.

3206. Style of Jurisdiction. 3. The style of such court shall be: "The Court of the City of ————," according to the name of the city, and shall have original concurrent jurisdiction with Justices of the Peace in all matters civil and criminal of which Justices of the Peace have or may hereafter have jurisdiction, and in all such cases shall be governed by the laws of this State relating to the jurisdiction, powers, duties of, and practice before Justices of the Peace; except as in this act is otherwise provided. Such court shall also have original concurrent jurisdiction with the circuit court in civil causes where the amount in controversy does not exceed fifteen hundred dollars, except in actions of slander or libel, divorce, or foreclosure of mortgages on real estate, and when the title to real estate is in issue, and excepting, also, all matters relating to the settlement of decedents' estates, the appointment of guardians and matters connected therewith, and in all such cases of which Justices of the Peace would not have jurisdiction. Such court shall be governed, as far as may be, by the laws, rules, practice and pleadings governing proceedings in the circuit courts of this State, except as in this act is otherwise provided.

Original Concurrent Jurisdiction. 4. Such City Court shall also have original concurrent jurisdiction with the circuit court and Justices of the Peace in the trial of cases of misdemeanors upon affidavit, and any Prosecuting Attorney or his deputy, or any attorney at law may appear before such court and prosecute the pleas of the State, and shall be entitled to the fees allowed to prosecuting attorneys in such cases.

3207. Civil Causes. 5. All civil causes, triable in such court, of which Justices of the Peace would have jurisdiction, shall stand for issue and trial when the summons shall have been served on the defendant six days or publication made thirty days.

3208. Seal. 6. Such Judge shall provide a seal for such court, which shall contain on the face the words: "City Court of ————, Indiana," filling the blank with the name of the city and county, a description of such seal, together with an impression thereof, shall be spread on the records of said court.

3209. Shall be Court of Record. 7. Said city court shall be a court of record of general jurisdiction, except as in this act is otherwise provided, and shall, in all cases, extend throughout the corporate limits of the city in the township or townships wherein such city is situated, and all its judgments, decrees, orders and proceedings shall have the same force and effect as those of the circuit court, except that the same shall not be a lien on real estate, otherwise than as is provided by taking transcript, and the same shall be enforced in the same manner as liens by transcript from Justices of the Peace in similar cases.

3210. Process of Such Court. 8. The process of said court shall be issued by the Judge, and shall have the seal affixed and be attested, directed to the sheriff or any constable, or to the marshal of such city, served and returned, and be in form as is, or may be, provided for processes issuing from the circuit court.

3211. Rules. 9. Such Judge shall have full power and authority to make and adopt rules and regulations for conducting the business of said court, not repugnant to the laws of this State, and shall have all the powers incident to a court of record, in relation to attendance of witnesses, the punishment of contempts, and enforcing its orders, to issue commissions for the taking of depositions in cases pending in said court. Such Judge shall have full authority to administer oaths, take and certify acknowledgements of deeds and other instruments, to solemnize marriage, and give all necessary certificates for the authentication of the records and proceedings in said court.

3212. Holding Court. 10. Such court shall be held in such city, at such place as will be provided therefor, and shall, at all usual business hours, be deemed open for the transaction of any business that may be before it; such Judge shall be his own clerk, issue all process, and shall keep a true and correct record of all proceedings had before him. The Common Council of such city shall provide for the use of said court well-bound order books, judgment dockets and fee books, in which said Judge shall record all orders, judgments and decrees, and sign the same, and enter a minute of all judgments and decrees in the judgment docket, and shall keep a true record of all fees in the proper fee book, in the same manner as such records are kept by clerks of the circuit courts. Such judgments may only become a lien upon real estate by filing, in the office of the clerk of the circuit court, a transcript of such judgment, and upon the recording of such transcript in the order book of said circuit court, such judgment shall become a lien, the same as judgments rendered by such circuit court, and execution may issue on such record of such transcript, in the same manner and for the same reasons as executions are issued on transcript from the dockets of the Justices of the Peace, and no real estate, or any interest therein, shall be sold on any writ issued from said city court.

3213. Change of Venue. 11. Changes of venue may be taken from such court, for such causes, and in such manner, and upon such terms as is provided for changes of venue in causes before Justices of the Peace, and in causes of which Justices of the Peace have jurisdiction, the same shall be sent to some Justice of the Peace competent to try the same, but in cases of change of venue, of all other cases, the same shall be sent to the circuit court of the county, where the same shall be entered upon the docket of such court, and shall be there tried as if originally instituted in said court.

3214. Trial. 12. All issues of fact, pending in such city court, shall be tried by the Judge, unless either party demand a jury, which jury shall consist of six qualified voters of the county, (unless the party calling for a jury demand twelve jurors,) to be summoned by any constable, sheriff or city marshal by venire issued by the Judge.

3215. New Trials. 13. New trials may be granted by such Judge at any time within ten days after judgment, according to the usages in the circuit court, notice of the motion therefor having been given to the opposite party, unless such motion is made in his presence, or in the presence of the

agent or attorney who conducted the suit, and when a new trial is granted, the Judge shall set a day therefor, and shall cause at least three days notice to be given to the party against whom such new trial has been granted.

3216. Appeals. 14. Any party may appeal from any final judgment or decree of such city court to the circuit court of such county, within thirty days from the rendition thereof, in the same manner in which appeals are taken from the judgments of Justices of the Peace, and such appeal shall be deemed to be properly taken if the same would be good if taken from a Justice of the Peace: *Provided, however*, That when a party shall have acquired any lien by virtue of any transcript filed and recorded as herein provided, from which an appeal is taken, such lien shall be deemed as continued in force until such cause shall be tried and entered of record in the circuit court.

3217. Execution. 15. Such Judge shall issue executions and orders of sale on all final judgments and decrees as follows: On judgments and decrees by confession, within four days from the rendition thereof; on all other judgments and decrees, at the expiration of ten days from the rendition thereof, unless the same be stayed as provided by law, and in such cases he shall issue such executions or orders of sale at the expiration of such stay, unless the judgment plaintiff, or his attorney shall otherwise direct. All orders of sale, and all executions, when the amount exceeds three hundred dollars, shall be directed to the sheriff of the county, and all other executions may be directed to any constable of the county or marshal of such city.

3218. Marshal and Constables Duties. 16. Such Judge may require the marshal of such city or his deputy, or any constable, to attend his court during the progress of any trial, to preserve order, to serve process, and to perform the general duties of bailiff to his court, and in all cases of which Justices of the Peace would have jurisdiction, such marshal or constable shall be allowed fees as are allowed by law in such cases in Justices courts; in all other cases they shall receive such fees as are allowed by law to the sheriff for like services in the circuit court te be collected as other costs of suits.

3219. Fees of Judge of Said Court. 17. In all cases of which justices would have jurisdiction, such judge shall be entitled to and receive the same fees as are allowed by law to Justices of the Peace; in all other cases he shall be allowed one dollar for trial, and a docket fee of one dollar and fifty cents in each case, and also such fees as are allowed to the clerks of the circuit court, for like services, and in cases of jury trials he shall receive two dollars, and if such trials last more than one day he shall have two dollars per day during the continuance of such trial, after the first day, to be collected as other costs of suit in the courts of this State, and for any other official services such Judge may perform, he shall receive such compensation as are usually allowed by law in such cases.

3220. Appointment of Judge pro tem. 18. If such Judge shall desire to be absent from such city for more than twenty days, he may appoint any attorney at law of said county as a Judge *pro tem.*, which appointment shall be in writing and spread on the records of said court; such Judge *pro tem.*, having first taken the proper oath, and said oath properly recorded, may, during the absence of said Judge, perform all the duties of such Judge, and be entitled to the fees that the Judge would be entitled to. Such Judge shall be responsible on his bond for all acts of such Judge *pro tem*; *Provided*, That such appointment shall be valid for sixty days only, and no longer.

3221. Judge May Practice Law. 19. There being no stated salary provided for such Judge, he may be permitted to practice law in such cases as can not come before him.

CHAPTER XX.

WATER WORKS.

3265. May Issue Bonds--Vote. 1. That the Common Council of any city or Board of Trustees of any incorporated town, having a population of less than 45,000, which shall, by ordinance or resolution, decide to erect water works, or to make extensions or improvements where works have heretofore

been constructed, are hereby authorized, for the especial purpose of furnishing the inhabitants of such city or town with pure and wholesome water, and for fire protection, to issue bonds of such city or town, in denominations not less than fifty, nor more than one thousand dollars, and payable at any place that may be designated in the bonds, the principal in not less than five years, nor more than twenty years after the date of such bonds, and the interest annually or semi-annually, and such Council or Trustees may, from time to time, negotiate and sell as many of such bonds as may be necessary for such purpose, in any place and for the best price that can be obtained therefor in cash: *Provided*, That such bonds shall not be sold at a price less than ninety-four cents on the dollar: *Provided*, That the Common Council of any city, or the Town Trustees of any incorporated town, contemplating building water works under this act, shall, before actually embarking therein, submit the question to the qualified voters thereof at a special or general election, and voters desiring water works may vote, *For Water Works*, or if opposed, *Against Water Works*. Such election may be ordered upon a petition of one hundred freeholders and resident tax payers of such city or incorporated town, and in no case shall the Common Council of any city, or Town Trustees of any incorporated town, erect water works except upon a majority of all the votes cast at such election upon the said question of water works as provided for in this act. Such bonds shall be issued under the provisions of the present law regulating the issue and sale of bonds, so far as the same can be made applicable. *Provided, however*, That the provision of said act that the entire money borrowed by a city shall not at any time exceed two per centum of the taxable property of such city, shall not apply to this act: *Provided, further*, That notice of such election, and submission of said question of water works thereat shall be published for three weeks successively before the day of such election, in some newspaper printed and published in such city, or town, and of general circulation therein, which said notice shall be signed by the clerk of such city or town.

3266. Location and Condemnation. 2. The Common Council of any city, or Board of Trustees of any incorporated town, which shall so determine to build water works, or to make extensions of such water works where they have heretofore been constructed or commenced, shall have authority to locate such works, with all appendages, and lay such lines of pipe as may be required; and in case the use of any lands, town lots, water rights, or easements, or use of any water from any pool, lake or natural stream of water shall be found necessary for the building, maintaining or operating of such works, it shall be lawful for such Common Council or Board of Trustees, by themselves or agent, to enter upon and take possession of, and condemn the same for these uses, and for the supply with water, of any conduit pipes, stand pipes, storage reservoirs, and settling and filtering basins. No artificial provision made for water, by any person or corporation, or owned by any person, association or body, shall be used or condemned without the consent of the owner: *Provided*, That any such lands, town lots, water rights, easements, pools, lakes and natural streams of water shall not be used for any other purpose than for the use of said water works. For the purpose of such such condemnation and use, such Common Council or Board of Trustees shall have jurisdiction for ten miles beyond the limits of such city or town: *Provided, further*, That before such Common Council or Board of Trustees shall proceed to take possession of such lands, lots, water rights, easements, pools, lakes and natural streams of water, for the purpose above mentioned, they shall appoint three commissioners, residents of such city or town, who shall be disinterested freeholders, to appraise and assess the damages accruing to the owners of any lands, lots, water rights, easements, pools, lakes and natural streams of water, so taken and condemned for said work. And said Commissioners shall, before they proceed to perform their duties as appraisers, take and subscribe an oath or affirmation, faithfully to perform all the duties as such appraisers, which shall be endorsed upon or attached to their appointment and file the same with the clerk of such city or town. Ten days' notice shall be given such commissioners, by said Council or Board of Trustees through the City or Town Clerk of the appraisement to be made, giving a complete description of the premises to be viewed. A like notice shall be

given by personal service or by leaving a copy of the same with some person of suitable age at their place of abode to each of the owners or agents thereof, of lands, lots, water rights, easements, pools, lakes or natural streams to be so taken for such water works as in civil cases. If the owners are unknown, non-residents of this State, publication of the same in one or more newspapers of the town, of general circulation, or by posting up written or printed notices in six public places in such city or town, if there be no newspaper published therein, for three weeks, shall be deemed equivalent to such personal service.

3267. Assessment and Report. 3. Such commissioners, or a majority of them, shall, at the place and time indicated in such notice proceed to an examination of such lots, lands, water rights, easements, pools, lakes and natural streams so desired to be taken or condemned for the use of such water works, and shall then and there estimate the damages accruing to the owner. They shall view the premises and receive any evidence touching the questions before them, and may, for that purpose, administer oaths to witness examined in relation thereto. They shall make a report in writing of the amount of damage, if any, accruing to each owner, and within ten days thereafter file the same with the clerk of such town or city.

3268. Tender of Damages. 4. When such report is filed as in the preceding section required, the Common Council or Board of Trustees, if they accept the assessment so made, shall tender or cause to be tendered to the owner of such lands, lots, water rights, easements, pools, lakes, or natural streams, or their heirs or representatives, the damages awarded by such Commissioners, or if not found within the city or town, or the award is not accepted, then the same shall be kept by the Treasurer as a special deposit, subject to the order of such owner or his heirs or representatives.

3269. Appeal. 5. The Common Council or Board of Trustees, shall, within twenty days from the filing of said report, either accept or reject the terms of the same in whole or part, and all parties aggrieved by such report may appeal therefrom, at any time within thirty days after the filing thereof, to the Circuit Court of the county, upon filing the usual bond with the clerk of such city or town for the payment of costs, but no such appeal shall prevent any such city or town from proceeding with said appropriation, construction, and improvement, as if no appeal had been taken. No other question shall be determined than the regularity of the proceedings in the suit, and the amount of damages sustained.

3270. Trustees. 6. The Common Council of any city or incorporated town in which water works have been constructed, or are now in process of construction or extension, or where water works shall hereafter be ordered, shall establish a board of three trustees, to be known as the Trustees of the Water works. Such trustees shall be elected at the annual city election by the qualified voters of such city or incorporated town, and shall hold their office for the term of three years; except that at the first election under this act, one shall be chosen for one year, one for two years, and one for three years, and thereafter, one of the trustees shall be elected annually.

3271. Duties and Pay of Trustees. 7. Said trustees shall receive such compensation as the Common Council or Board of Trustees may determine, and shall give bond, in such sum as the Common Council or Board of Trustees shall order, for the faithful performance of their duties, and the strict accounting for any funds that shall come into their hands, and they shall manage, conduct and control the works, furnish supplies of water, collect water rents, appoint all necessary officers and agents, and determine the tenure of office, amount of salaries of the officers and agents so appointed.

3272. By-Laws and Rules. 8. Said trustees shall be authorized to make such by-laws and regulations as they may deem necessary for the safe, economical and efficient management and protection or the water works, and such by-laws and regulations shall have the same validity as ordinances, when not repugnant thereto, or to the constitution and laws of the State.

3273. Water Rents. 9. For the purpose of paying the expenses of managing and operating the water works, the trustees of the water works

shall have power to assess and collect, from time to time, a water rent of sufficient amount, and in such manner as they may deem most equitable, upon all tenements and premises supplied with water, and from manufacturing establishments and railroad shops, and for the supply of boilers, locomotive engines, and for all other purposes tending to increase the income of the works.

3274. Application of fund. 10. Should there be any surplus money after paying the expenses of operating the water works, the same may be applied to the repair, enlargement or extension of the works, or of the reservoirs, the payment of the interest of any loan made for their construction, or for the creation of a sinking fund for the liquidation of the debt.

3275. Reports. 11 The trustees of the water works shall make monthly reports to the Common Council or Board of Trustees of the receipts and disbursements of money belonging to the water works, and an annual report of the condition of the same, and all money collected for water works purposes, they shall cause to be deposited weekly with the Treasurer of the city or town, and the receipts therefor shall be by such Collectors deposited with said Trustees, or their authorized agent.

3276. Funds---how kept. 12. All moneys, so deposited, shall be kept a separate and distinct fund, subject to the order of said Trustees; and all orders drawn by said Trustees on the Treasurer of the city or town shall be signed by at least two of the Trustees and countersigned by the Clerk of the water works.

3277. Contracts. 13. Said Trustees shall be authorized to make contracts for the erection of water works buildings, and construction of settling basins and other appendages, and the enlargement and repairs thereof; for the purchase of machinery, and the manufacture and laying down of pipe, for the furnishing and supplying with connections of all necessary fire hydrants for fire department purposes, and for keeping the same in repair, and for all other purposes necessary to the full and efficient management and construction of the water works, and such contracts shall be subject to the ratification of the Common Council.

3278. Investigating Committee. 14. The Common Council or Board of Trustees of any city or incorporated town in which water works are or may be situated, or in the process of construction, shall be authorized to appoint a committee of investigation of all books and papers, together with all matters pertaining to the management of the water works, at least once a year, and oftener, if necessary by reason of any neglect of duty, or malfeasance on the part of any officer of the works; and any officer of the works found, by said committee, so offending, shall be liable to removal from office by the Council.

3279. Water free for public uses. 15. No charge shall be made by the Trustees of the water works for supplying water for the extinguishment of fires, or for furnishing and supplying connections for fire hydrants, and keeping the same in repair for fire department purposes; or for the cleansing of market houses, or for the use of any public buildings belonging to the city or town, or for flushing out sewers, or other sanitary purposes.

3280. Attachments regulated. 16. All attachments of whatever nature made to the water pipes, or other fixtures belonging to to the water works, and intended for public use, shall be subject to the same supervision, rules and regulations as are made for the protection of water works against abuse, destruction, and inordinate or unnecessary use or waste of water; or the Trustees may make general or special rules and regulations for such purposes.

3281. Advertising. 17. Said Trustees, before entering into any contract for work to be done, shall cause two weeks notice to be given in one or more daily newspapers of general circulation within the city or town, that proposals will be received by the Trustees for performing the work, or the several parts of the same, specified in said notice, and said Trustee shall contract with the lowest bidder, if in their opinion said lowest bidder can be depended on to do the work with ability, promptness and fidelity, which contract shall be subject to ratification of the Common Council as heretofore

provided; but if such be not the case, said Trustees may give the contract to the next lowest bidder, or decine to contract, and readvertise. Or, if no daily newspaper be published in such city or town, then such notice shall be published three weeks, consecutively, in a weekly newspaper of general circulation within such city or town.

3282. Bonds. 18. Said Trustees shall require bond to be given, with good and sufficient security for the faithful performance of the work; but no member of said Board of Trustees shall be such security; nor shall any Trustee be a contractor, or in anywise, either directly or indirectly, be interested in any such work to be contracted for. Such bonds shall be submitted to the Common Council for approval.

3283. Tax to pay loans. 19. For the purpose of paying the principal and interest on the money borrowed for the erection and completion of any water works, or for the extension or improvement of such works, a tax of sufficient amount shall be assessed on all the taxable property of the city or incorporateed town, and collected each and every year in the usual manner of levying and collecting taxes in the city or town: *Provided, always*, The additional special tax hereby authorized shall not, in any year, exceed fifty cents on each one hundred dollars of taxable property, and one dollar on each poll.

3284. Lien on tax. 20. The said tax, when levied and assessed, shall be a lien upon the property upon which it is levied, and charge [charged] against the owners thereof, and shall be placed on the city or town duplicate in a separate column thereof, and be collected as other taxes.

3285. Prosecuting pollution. 21. The jurisdiction of auy city or incorporated town, owning water works, shall extend, for the purpose of preventing and punishing any pollution of water, five miles beyond the corporation limits: *Provided*, If any person owning a water power or mill property within the limits herein prescribed, in the use or management of which any stream is polluted to such an extent that the water thereof is thereby rendered unfit for use for such city purposes, such property or water power may be condemned for the benefit of such city, but before the same is done, such mill property shall be appraised by three disinterested resident freeholders of the county in which such property is situate, one of whom shall be selected by such Trustees, one by the owner of such property, which two shall select a third. Said appraisers shall appraise such property at its fair cash value, and upon the tender of the same by the city, and refusal of the mill owner to accept the value appraised as aforesaid, such business may be enjoined in any court of competent jurisdiction.

CHAPTER XXI.

LIGHTING THE CITY.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the Common Council of any City in this State, incorporated either under the general act for the incorporation of cities, or under a special charter, and the Board of Trustees of all incorporated towns of this State, shall have the power to light the streets, alleys, and other public places of such city and town with the electric light, or other form of light, and to contract with any individual or corporation for lighting such streets, alleys, and other public places with the electric light, or other forms of light, on such terms, and for such times, not exceeding ten years, as may be agreed upon.

SEC. 2. For the purpose of effecting such lighting, the Common Council of any such city, or the Board of Trustees of any such town, may provide by resolution or ordinance for the erection and maintainance, in the streets, alleys, or other public places of said city or town, of such poles, wires, posts, masts, skeleton towers, and other appliances or structures as may be necessary for such purpose.

SEC. 3. Any such incorporated city or town is hereby authorized to grant by resolution or ordinance, under such restrictions as the Common Council of such city, or Board of Trustees of such town, may deem proper, to any per-

son or corporation, the right to erect and maintain, in the streets, alleys and other public places of such city and town, posts, poles, wires, and other necessary appliances, underground in said streets, alleys, and other public places, for the purpose of supplying the inhabitants of such city or town with such electric or other light.

SEC. 4. Any contract heretofore made by any such incorporated city or town for the lighting of its streets, alleys, and other public places, with the electric or other form of light, and any grant heretofore made by any such city or town to any person or corporation of the right to erect and maintain poles, wires, masts, posts, or skeleton towers in the streets or other public places of said city or town, for the purposes specified in this act, which does not grant or confer any exclusive privileges, is hereby declared to be as valid for all purposes as if made after the taking effect of this act: *Provided*, That the terms of this section shall affect no pending suit.

SEC. 5. Any corporation engaged in the business of lighting cities or towns, or the public or private places of their inhabitants, with the electric light, or other form of light, under the provisions of this act, shall have the right to acquire such real estate and rights of way as may be necessary for its business under the writ of assessment of damages as fully as if the act in relation to said writ were incorporated in this act and made part of the same: *Provided*, That in the assessment of damages, consideration shall be had for damages occasioned by the proximity of such poles, wires, masts, posts, or skeleton towers, to real estate or improvements thereon, as well as to damages arising from the appropriation of real estate for the purposes in this act set forth.

"NATURAL GAS."

Approved March 7, 1887.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the Board of Trustees of towns, and Common Councils of cities, in this State, shall have power to provide by ordinance, reasonable regulations for the safe supply, distribution and consumption of natural gas within the respective limits of such towns and cities, and to require persons or companies to whom the privilege of using the streets and alleys of such towns and cities is granted for the supply and distribution of such gas to pay a reasonable license for such franchise and privilege.

SEC. 2. Whereas, an emergency exists for the immediate operation of this act, the same shall take effect and be in force from and after its passage.

CHAPTER XXII.

CEMETERIES.

3289. May vacate. 1. Where any cemetery within or adjoining the corporate limits of any city or incorporated town in this State, has been or shall hereafter be conveyed to such city or town by the Board of Commissioners of the county in which such city or town is situate, or when any such cemetery exists wherein burials have been made by the license or permission of the owner or owners of the lands wherever [whereon] such cemetery is located, or when any such cemetery exists by the dedication of the lands wherever [whereon] situated by the owner or owners thereof for burial purposes, the Common Council of such city, or Board of Trustees of such town, may vacate such cemetery as hereinafter provided.

3290. Petition and finding. 2. When five resident freeholders of such city or town shall in writing petition the Common Council of such city, or the Board of Trustees of such town, to vacate such cemetery, the same shall be entered at length in the proper record of proceedings of such Common Council or Board of Trustees. And, if upon considering such petition such Common Council, or Board of Trustees, shall find that such cemetery has fallen into neglect and disuse, that remains of deceased persons have been, from time to time, exhumed and removed therefrom, on account of such neglect; that no interments have been made therein for a period of five years, next preceeding the filing of such petition; and that the same hinders and obstructs the growth of such city, or town, or any part thereof, such finding

shall be entered at length in said record of proceedings together with an order that such cemetery be vacated.

3291. Removal and re-interment. 3. Such Common Council or Board of Trustees, shall, thereupon, prepare, as nearly as may be, a complete list of names of the deceased persons, remaining interred in such cemetery, and shall publish the same, for three weeks, successively, in some newspaper of general circulation, printed and published in the county, together with a notice to all persons interested, that on and after the time stated in such notice, which shall not be less than thirty days after the last publication thereof, such Common Council or Board of Trustees, will proceed to exhume the remains in such cemetery. The remains of such persons as may be claimed by their relatives or friends shall be delivered to such claimants for removal and re-interment. The remains of all persons, remaining unclaimed, shall be removed and properly re-interred in some suitable cemetery, or burial ground in the vicinity of such city or town, by and at the expense of such city or town, and all monuments, grave-stones, or other distinguishing marks, shall be removed with such remains and placed in proper position. Such Common Council or Board of Trustees, shall also record in the proper record of their proceedings, the names, as ascertained, of all the deceased persons re-interred by them, together with a description of the place of re-interment.

3292. Title, how affected. 4. The title to the cemetery grounds, where the same have [been] or shall be conveyed by the Board of Commissioners of the county to any city or town, after such cemetery shall have been vacated, shall, in no wise, be disturbed thereby, but the same shall continue in, and be preserved to, such city or town.

Section five of this act repeals so much of the act entitled "An act to empower the Board of Commissioners of this State to convey cemeteries to cities and incorporated towns," approved March 4, 1867, as conflicts with this act.

CHAPTER XXIII.

GENERAL PROVISIONS.

3222. Qualifications for office. 1. That no property qualifications shall be necessary to render any citizen eligible to hold any office of any muncipal incorporation in this State.

3223. Qualifications of voters. 2. That in all muncipal elections under town or city charters in this State, no other qualifications shall hereafter be required of any voter than such as are made necessary under the constitution of the State, except that the voter shall reside in the ward or district where he may offer to vote.

3224. Elections. 60. In the city and town elections, each ward in which the number of voters does not exceed three hundred and fifty shall constitute a precinct: *Provided*, That the Common Council of any city, or the Trustees of any town, shall make such changes in places of holding elections, or divisions in precincts, in their respective cities and towns as will limit the number of voters in each precinct to three hundred and fifty as near as may be: *Provided*, That no such changes or divisions shall be made without giving due notice, at least one month before any election, either by publication in the newspaper having the largest circulation in the county in which such city or town is situated, or by posters put up in four of the most public places in such precinct. Such Council or Trustees shall appoint three qualified voters in each precinct, one to act as inspector and two as judges of elections, who shall have been freeholders and resident householders in such precinct for at least one year next preceding any election at which they may officiate; such inspectors and judges, to be appointed according to such regulations as are hereinafter specified. Such inspector and judges, when so appointed, shall constitute a board of election, which board of election shall have all the powers and shall perform all the duties of boards of election, as hereinbefore specified.

3225. Prisons. 1. That any incorporated town or city shall have power to erect a prison within the limits of such town or city; and it shall be

lawful to imprison therein persons convicted of the offenses against the penal laws of this State, and also persons charged with offenses punishable by indictment or presentment, temporarily, until they can be conveniently removed to the county jail; so far as the same shall be applicable, the law governing county jails shall be the law of such town or city prison, and all cases where the county jails are convenient, they may be used for town purposes until a town or city prison shall be erected.

3226. Removal of garbage. 1. That the Common Councils of the cities, and the Trustees of the incorporated towns of this State are empowered and authorized to pass by-laws to secure the removal of slops, garbage, the carcasses of dead animals, and other waste material from their corporate limits, and to appoint and contract for such removal, and provide that the persons appointed, or contracted with, shall have the exclusive right to remove the same and to provide such penalties for the violation of by-laws, in accordance with the general laws for the incorporation of cities and towns, now in force, or which may hereafter be adopted.

3227. Security for arms. 1. Whenever the Mayor and Common Council of any incorporated city, or the Trustees of any town, in the State of Indiana, shall obtain from the State authorities arms of any kind, to be used by the military organizations of such cities or towns, or whenever any volunteer military organization shall obtain arms from the State, it shall be lawful for the Mayor and Common Council of said city, or Trustees of such town, to cause to be executed and delivered to the Governor of the State of Indiana, a bond conditioned according to law, for the safety and delivery of such arms in the manner as now by law provided; and said bond shall have the same force and effect as a bond with personal security is now held.

3228. Distribution of arms. 2. The Governor may in his discretion distribute public arms, as herein provided, to any incorporated town or city; notwithstanding any other law in conflict herewith.

3229. Planting shade trees. 1. That the incorporated cities and incorporated towns of the State are hereby invested with full power to compel the owners of lots and parts of lots bordering on any street, alley, public square or common of said cities and towns, to plant and maintain shade trees along said streets, alleys, public square or common, under the same regulations and in the same manner in which the grading and paving of streets and sidewalks are now enforced. That when such owners shall petition the Common Council for the planting and maintaining of any particular kind of tree, said Council shall, in making their order for the same, designate the kind of tree named in said petition; but when the kind of tree shall not be designated in said petition, or where shade trees are required to be planted and maintained on order of the Council without petition, then the Council, in making the proper order, shall designate therein the kind of tree to be planted and maintained. The Common Council are hereby invested with full power to pass by-laws and ordinances for the protection and preservation of trees established in pursuance of this act, and to designate the distances at which such shade trees shall be established, and the kind of boxing or other protection for the same, the costs of which shall be assessed and collected in the same manner in which the costs of establishing and maintaining shade trees is assessed and collected.

3331½. That the municipal corporations of this State shall have the power and authority to temporarily invest their sinking fund, or any other specific fund held for any purposes whatever, in the bonds of the Government of the United States, the State of Indiana, or any of the counties of Indiana, during such time as the said sinking funds can not be advantageously used in taking up or paying off the city bonds or indebtedness, or said other specific fund can not be or is not used for the purpose for which it is intended.

3232. Notices. 5. All notices now required by law to be given by the Trustees of any incorporated town or city, may hereafter be given by written notices, to be posted up in three of the most public places within such incorporated town or city.

3815. Cities take stock. 7. Any city incorporated under the laws of

this State may by the vote of two-thirds of the members of the Common Council thereof, subscribe to the stock of any public library association organized within its limits, and for the payment of such shares of stock and assessments on the same, may, from time to time, as the Common Council may think proper, annually levy, and collect, not more than two mills on the dollar upon the taxable property within the limits of the city, which shall be paid into the city treasury and applied to the payment of such stock and assessments made thereon.

3804. Dissolution---City to manage. 9. Upon the dissolution or forfeiture of the franchises of such library association, in which any city may have purchased stock, and is, at the time of such dissolution or forfeiture, the holder of one-third of the shares of the whole stock, the property of such association shall become the property of the city, for the free use and enjoyment of the inhabitants of such city, under regulations to be prescribed by the Common Council, and, the Common Council shall thereafter control such library and shall have power to increase the same, and levy and apply the tax provided for in section seven of this act, to the increase and expenses of such library.

CHAPTER XXIV--Miscellaneous Laws.

BOARD OF HEALTH.

4993. Local boards. 8. The Trustees of each town, the Mayor and common council of each incorporated city, except where a regular constituted board of Health, by ordinance of such city now exists, or may hereafter be created, and the Board of County Commissioners of each county, shall constitute a Board of Health, ex-officio, for each of the several towns, cities and counties respectively of the State, who shall perform such duties respectively required of them by this act without compensation. They shall annually, in the month of January of each year, complete their organization by the election of a Secretary, who shall be a physician. The Secretary of such local Board of Health, and the Secretary of any regular constituted Board of Health of any incorporated City shall be the Health officer of every town, city or county respectively, for the purposes provided in this act, and shall be allowed such such compensation from the town, city or county treasury respectively as the board electing them may determine: *Provided*, That the Secretary of each County Board of Health shall render such medical and surgical services as may be required by persons confined in the county jail of such county, and such other medical services as may be required of him by the Board of County Commissioners.

4994. Report of Boards--Misdemeanor. 9. The Board of Health of each county shall act in conjunction with the State Board of Health, and it shall be the duty of the Secretary of such County Boards, at least once in each year, and as often as may be deemed necessary by the State Board of Health, to report such facts and statistics as may be required under instructions from, and according to, forms and blanks furnished by said board; and the Board of Health of each town and city situate in any county of this State, shall act in conjunction with the Board of Health of such county, and it shall be the duty of the secretary of such local boards at least once each quarter, and as often as may be deemed necessary be the County Board, to report such facts and statistics as may be required under instructions from, and according to, forms and blanks furnished by the State Board of Health through such County Boards. And every physician in each town, city and county, shall be required to report to the Secretary of the Board of Health of such town, city or county, such facts and statistics as may be required by him under the direction of the County Board, or of the State Board through such County Board, and such town, city or county board shall have authority, and it shall be their duty in the locality concerned, under the direction of the State Board of Health, to promulgate and enforce such regulation for the preservation of public health and the prevention of epidemic and contagious diseases as may be deemed advisable by them; and any person or persons, or the officers of any corpora-

tion, neglecting or refusing, after having been notified in writing to comply with the requirements of such regulations, shall be guilty of a misdemeanor, and upon the conviction thereof shall be fined in any sum not less than five dollars nor more than twenty-five dollars, and each day after said failure or refusal shall continue, shall, after proper notification, constitute a separate offense.

4995. Duty of Physicians--Misdemeanor. 10. It shall be the duty of all physicians and accoucheurs in this State to register their names and postoffice address with the Clerk of the Circuit Court of the county in which they reside, and all such physicians or accoucheurs shall report to the Secretary of the Board of Health of the town, city or county in which they may occur, and within fifteen days thereafter, all births and deaths which may occur under their supervision, with a certificate of the cause of death, and such correlative facts as may be required in the blank forms furnished, as provided in this act. When any birth or death shall occur with no physician or accoucheuer in attendance, then such birth or death shall be reported as hereinbefore provided by the householder where or under whose observation such birth or death may occur, with the cause of death, if such be known. Any physician, accoucheur or householder, wilfully or purposely, after notice by the secretary of the local Board under whose jurisdiction such householder may live, failing or refusing to comply with the provisions of this section, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined in any sum not less than five dollars nor more than ten dollars. *Provided*, That any death coming under the jurisdiction or supervision of any Coroner, shall be by him reported to the Secretary of the Board of Health of the town, city or county in which such death may occur, within fifteen days after such death comes under his jurisdiction, and such death so reported shall not be required to be reported by any other person.

2—STREET RAILROADS.

4142. How formed. 1. Any number of persons, not less than five, being subscribers to the stock of any contemplated street or horse railroad company may be formed into a corporation for the purpose of constructing, owning and maintaining street or horse railroads, switches or side-tracks upon and through the streets of the cities or towns within the State, by complying with the following requirements: Whenever stock to the amount of at least ten thousand dollars shall have been subscribed the subscribers to such stock shall elect directors for such company from their own number, and shall severally subscribe articles of association in which shall be set forth the name of the corporation, the amount of capitol stock of the company, the number of shares of which said stock shall consist, the number or directors, and the names to manage the affairs of the company, the city or town in which it is proposed to construct such road.

4147. Construction of Track, 5. Such company may construct its track, switches, side-tracks or turnouts upon the streets of said cities or towns under the following condition and restrictions: The said track shall be constructed upon the center or side of said streets, and shall conform exactly to the established grade of such street. The free passage of the streets of such city or town, occupied or used by said company shall be impeded or obstructed by such company only to the extent necessary for the purposes for which said company was organized. The points where such track shall intersect and cross the streets of such city or town shall be so arranged by said company as to render the crossing as passable and in as good condition as any other portion of the street. The track shall be from four to five feet in width.

4154. Consent of Common Council. 12. Nothing in this act contained shall be so construed as to take away from the Common Councils of incorporated cities the exclusive powers now exercised over the streets, highways, alleys and bridges within the corporate limits of such cities; and all street railroad companies which may be organized under the provisions of this act shall first obtain the consent of the Common Council to the location, survey and construction of any street railroad through or across the public streets of any city before the construction of the same be commenced.

4157. Protection by City. 3. Such street or horse car railway company, operating such road outside of such town or city limits, shall have the same protection, and, in its running, be governed by the same regulations prescribed for it within such town or city.

3—SCHOOLS AND SCHOOL TRUSTEES.

4439. Trustees in Towns and Cities. 5. The Common Council of each city, and the Board of Trustees of each incorporated town of this State, shall, at their first regular meeting in the month of June, elect three School Trustees, who shall hold their office one, two and three years respectively, as said Trustees shall determine by lot at their organization, and annually thereafter shall elect one School Trustee who shall hold his office for three years; said Trustees shall constitute the School Board of the city or town, and, before entering upon the duties of their office, shall take an oath faithfully to discharge the duties of the same. They shall meet within five days after their election, and organize by electing one of their number President, one Secretary and one Treasurer. The Treasurer, before entering upon the duties of his office, shall execute a bond, to the acceptance of the County Auditor, conditioned as in ordinary official bonds, with at least two sufficient freehold sureties, who shall not be members of said Board, in a sum not less than double the amount of money which may come into his hands, within any one year, by virtue of his office. The President and Secretary shall each give bond, with like sureties, to be approved by the County Auditor, in any sum not less than one-third of the Treasurer's bond. All vacancies that may occur in said Board of School Trustees shall be filled by the Common Council of the city or Board of Trustees of the town, but such election to fill vacancy shall only be for the unexpired term. The Board of School Trustees shall each year, within five days after the annual election of a member, reorganize their Board and execute their respective bonds for the ensuing year. Said Trustees shall receive for their services such compensation as the Common Council of the city or Board of Trustees of the town may deem just, which compensation shall be paid from the special school revenue of the city or town.

4441. Duty of School Trustees. 7, The School Trustees of every township, incorporated town or city shall receive the special school revenue belonging thereto, and the revenue for tuition which may be apportioned to his township, town or city by the State, for tuition or the common schoos, and shall pay out the same for the purposes for which such revenue[s] were collected and appropriated. Such Trustees shall keep accurate accounts of the receipts and expenditures of such revenues and shall render to the County Commissioners, annually, on the first Monday of August, for the school year ending on the 31st day of July, and as much oftener as they may require, a report thereof in writing. Said Board of Commissioners shall hold a session on said Monday to receive said reports. They shall clearly and separately state:—

First:—The amount of special school revenue and of school revenue for tuition, on hand at the commencement of the year then ending.

Second:—The amount of each kind of revenue received within the year, giving the amount of tuition revenue received at each semi-annual apportionment thereof.

Third:—The amount of each kind of revenue paid out and expended within the year.

Fourth.—The amount of each kind of revenue on hand at the date of said report, to be carried to the new account, and shall, with said report, present and file a detailed account current of the receipts and payments for the year, and support the same by proper vouchers; which report and account current shall each be duly verified by affidavit, and when the said County Commissioners are satisfied that said report is full, accurate and right in all respects, and that said account is just and true, they shall allow and pass the same; which shall have the effect to credit the Trustees for the expenditures. A copy of said report, as passed and allowed by said County Commissioners, shall, within ten days after its date, be filed by the Trustee with the County Super-

intendent of the county, and upon failure of the Trustee to discharge any of the duties required of him relative to schools and school revenues, the Board of County Commissioners shall cause suit to be instituted against him, on his official bond, and in case of recovery against him, the court rendering the judgment shall assess upon the amount thereof ten per cent. damages, to be included in said judgment.

4442. Record---Duty as to Revenue. 8. The Trustees shall keep a record of their proceedings relative to the schools, including all orders and allowances on accounts thereof; including also, accounts of all receipts and expenditures of the school revenue, distinguishing between the special school revenue belonging to the township, town or city, and the school revenue for tuition which belongs to the State, and by it apportioned to their township, town or city, which said revenue for tuition they shall not permit to be expended for any other purpose, nor even for that purpose, in advance of its apportionment to their respective corporations.

4443. Annual Statement. 9. The Township Trustees, and School Trustees of incorporated towns and cities shall, immediately after the annual settlement with the County Commissioners, in March, make a full statement of all their receipts and expenditures, for the year preceeding, relative to their schools.

4444. General Duties. 10. The Trustees shall take charge of the educational affairs of their respective townships, towns and cities, employ teachers, and shall establish and locate, conveniently, a sufficient number of schools for the education of the white children therein, and build or otherwise provide suitable houses, furniture, apparatus and other articles and educational appliances necessary for the thorough organization and efficient management of said schools. They may, also, establish graded schools, or such modifications of them as may be practicable; and provide for admission into the higher departments of the graded school, from the primary schools of their townships, such pupils as are sufficiently advanced for such admission. They shall have the care and management of all property, real and personal, belonging to their respective corporations for common school purposes, except the Congressional township School Lands, which lands shall be under the care and management of the Trustee of the civil township to which such lands belong.

4445. Superintendent in cities and towns. 12. The School Trustees of incorporated towns and cities, shall have power to employ a Superintendent for their schools, whose salary shall be paid from the special school revenue, and to prescribe his duties. and to direct in the discharge of the same.

4447. Surplus special school revenue in cities and towns. 1. The Board of School Trustees, of any city or incorporated town, in this State, is hereby authorized and empowered to pay over to the Common Council or Board of Trustees of such city, or town, any surplus special school revenue in the hands of such School Trustee, not necessary to meet current expenses. Such excess of the revenue aforesaid to be applied to the payment of the interest, or principal, or both, of any indebtedness incurred under the provisions of the act of March 8, 1873, authorizing cities and incorporated towns to negotiate and sell bonds to procure means to erect and complete unfinished school buildings, and to purchase any ground and building for school purposes, and to pay debts for the erection, completion and purchase of buildings and grounds. (Sections 4488 to 4490, R. S., 1881.)

4448. Things legalized. 2. Where the excess of special school revenue not necessary to meet the current demand upon such revenue shall have been, prior to the passage of this act, loaned, paid over, or applied, as provided in the preceding section, such loan, payment, or application of such moneys, is hereby legalized and made valid, as fully and completely as if this act had been in full force and effect at the time such transaction took place.

4467. Special tax. 12. The Trustees of the several townships, towns and cities, shall have the power to levy a special tax, in their respective town-

ships, towns or cities, for the construction, renting or repairing of school houses, providing furniture, school apparatus, and fuel therefor, and for the payment of other necessary expenses of the school, except tuition; but no tax shall exceed the sum of fifty cents on each one hundred dollars worth of taxable property, and one dollar on each poll, in any one year, and the income from said tax shall be denominated the special school revenue; and any tax payer who may choose to pay to the Treasurer of the township, town or city, wherein said tax payer has property liable to taxation, any amount of money, or furnish building material for the construction of school houses, or furniture, or fuel thereof, shall be entitled to a receipt therefor from the Trustee of said township, town or city, which shall exempt such tax payer from any further taxes for said purposes, until the taxes of said tax payer, levied for such purposes, would, if not thus paid, amount to the sum or value of the materials, so furnished, or amount so paid; *provided*, that said building materials, or furniture and fuel, shall be received at the option of said Trustee.

4469. Local tax for tuition. 1. That the Trustee of the civil townships, the Trustees of incorporated towns, and the Common Councils of cities shall have power to levy, annually, a tax not exceeding twenty-five cents on each one hundred dollars of taxable property, and twenty-five cents on each taxable poll; which tax shall be assessed and collected as the taxes for State and County revenue are assessed and collected.

SEC. 2. The funds arising from such tax shall be under the charge and control of the same officers, secured by the same guarantees, subject to the same rules and regulations and applied and expended in the same manner as funds arising from taxation for common school purposes, by the laws of the State; *provided*, that the fund assessed and collected in any civil township, incorporated town or city, shall be applied and expended in the same civil township, incorporated town or city in which such funds shall have been assessed and collected.

4472. Trustees to take—His duties. 14. The Trustees of the several townships, towns and cities shall, between the first of March and the first of May in each year, make an enumeration of the children, white and colored, within their respective townships, towns and cities, between the ages of six and twenty-one years, exclusive of married persons, and in making said enumeration, the Trustees shall distinguish between the white and colored children, enumerating them in separate lists, and shall list the names of parents, guardians, or heads of families, male and female, having charge of such children, and opposite each name, in appropriate columns, shall be entered the whole number of children in charge of the person so named, specifying particularly, the number of males, the number of females, the number of the school to which such person is attached for school purposes, and the number and initials which designate the congressional township in which such person resides; including in said list and enumeration the names of such persons as have been transferred to his township, town or city, from other townships, towns or cities, and the enumeration of their children, and excluding therefrom the names and numbers of children of such persons as have been transferred from his township, town or city, to other townships, towns or cities. Each Township Trustee, upon making the first enumeration after the taking effect of this Act, shall inquire of each person whose name he so lists, to which school he or she desires to be attached; and such persons, upon making their selection, shall be considered as forming the school district of the school selected, and none shall be allowed thereafter to attach themselves to, or have the privilege of any other school, but by the consent of the Trustee, for good cause shown. At subsequent enumerations, the same inquiry shall be made by the Trustee of the parent, guardian or head of family having charge of children between the ages aforesaid, whose residence has been changed, or whose children have become subject to be enumerated for the first time since the last enumeration. In case a change in the location of a school in the township has been made since the last enumeration, the Trustee shall make the same inquiry of the persons whose school privileges are affected by such change. But such inquiries need not be made by the

Trustee of incorporated towns and cities when they take their enumerations. The person listed in each of such towns and cities shall be considered as forming but single school districts, therein distinct from the townships in which they are situated.

4473. Transfer. 16. When persons can be better accommodated at the school of an adjoining township, or of any incorporated town or city, the Trustee of the town or city in which such persons reside shall, if such persons so request, at the time of making the enumeration, transfer them, for educational purposes, to such township, town or city, and notify the Trustee of such transfer; which notice shall furnish the enumeration of the children of the persons so transferred; each Trustee shall, with his report of the enumeration, report distinctly the persons transferred to his township, town or city, for school purposes; indicating in said report the number of children in charge of the persons transferred, with the same particularity that is observed in the enumeration.

4474. Payment for transfer. 17. Each person so transferred, for educational purposes, to a township, town or city in an adjoining county, shall, annually, pay to the Treasurer of such township, town or city (when a tax is levied therein for the purposes aforesaid) a sum equal to the tax levied, computing the same upon the property and poll, liable to tax, of such persons in the township, town or city, where he resides, according to the valuation thereon by the proper lessor; which payment shall release his property from special school tax in the township in which he resides. In default of such payment he shall be debarred from educational privileges in the township, town or city to which he may have been transferred, and the Trustee thereof shall notify the Trustee of the township, town or city in which he (the person transferred) resides, of such exclusion.

4488. Bonds for school buildings. 1. That any city or incorporated town in this State which shall by the action of its School Trustee or Trustees have purchased any ground and building or buildings, or may hereafter purchase any ground and building or buildings, or have commenced or may hereafter commence the erection of any building or buildings for school purposes, or which shall have by its School Trustee or Trustees contracted any debts for the erection of such building or buildings, and such Trustee or Trustees shall not have the necessary means with which to complete such building or buildings, or to pay for the purchase of such ground and building or buildings, or pay such debt, may, on the filing by the School Trustee or Trustees of said city or incorporated town, of a report under oath with the Common Council of such city, or the Board of Trustees of such incorporated town, showing the estimated or actual cost of any such ground and building or buildings, or the amount required to complete such building or buildings, or purchase such ground and building or buildings, or the amount of such debt,—on the passage of an ordinance authorizing the same by the Common Council of said city, or the Board of Trustees of such incorporated town, issue the bonds of such city or town to an amount not exceeding in the aggregate *Fifty* thousand dollars, in denominations not less than one hundred nor more than one thousand dollars, and payable at any place that may be designated in the bonds, the principal in not less than one year nor more than twenty years after the date of such bonds, and the interest annually or semi-annually, as may be therein provided, to provide the means with which to complete such building or buildings, or to pay for the purchase of such ground and building or buildings, and to pay such debt; and such Common Council or Board of Trustees may from time to time negotiate and sell as many of such bonds as may be necessary for such purpose in any place and for the best price that can be obtained therefor in cash; *provided*, that such bonds shall not be sold at a price less than ninety-four cents on the dollar.

4489. Use of proceeds. 2. The proceeds of the sales of such bonds shall be paid to the said school trustee or trustees to enable them to erect or complete such building or buildings and pay such debt; but before payment to them such school trustees shall file with the county auditor a bond payable to the State of Indiana in a sum not less than the full amount of the said

money so to be paid to them, and with security to be approved by said auditor, conditioned for the faithful and honest application of such money to the purpose for which the same was provided, and such trustee or trustees and their surety or sureties, shall be liable to suit on such bond for any waste, misapplication, or loss, of such money in the same manner as now provided for waste or loss of school revenue.

4490. Special tax. 3. In addition to the levying the tax by cities or incorporated towns for general purposes now authorized by law, the Common Council of any such cities, and Boards of Trustees of any such incorporated towns, as shall avail themselves of the provisions of this act, are hereby authorized and required to levy, annually, a special additional tax at the same time, and in the same manner as other taxes of such city or town are levied, sufficient to pay the interest and principal of said bonds falling due, which additional special tax shall be assessed and collected as the taxes for State and county revenue are assessed and collected, and the treasurer of said city or town shall keep accurate account of the revenue arising from said special tax, and shall in his reports, when required by the city or town authorities, show the amount thereof received, the amount disbursed, and the amount thereof, if any, remaining delinquent; he shall pay out the same only by the authority of the Common Council of said city or Board of Trustees of such town, and shall permit the same to be applitd to no other purposes than the payment of the principal and interests of such bonds, and official bonds of the city and town treasurers shall be construed to cover and include revenue arising from this source. Persons residing outside of any such city or town, and electing to be transferred to such town or city, for educational purposes, or who shall send their children to the school taught in any such building, shall, with their property, be liable to such tax as if they resided in such city or town on all property owned by said person in the township, where such city or town is located: *Provided, always*, that nothing in this act shall be construed to prevent the school trustee or trustees of such town or city, from admitting pupils into such schools, from outside such city or town, in their discretion, upon the payment of tuition therefor, and without subjecting the property of their parents to such taxation, when such schools are not crowded, and their admission shall, in no way, interfere with the progress of the children within such corporate city or town: *And, providing further*, that the additional special tax, bereby authorized, shall not, in any one year, exceed fifty cents on any one hundred dollars of taxable property, and one dollar on each poll.

4991. Statement Before Building. 1. That before the School Trustee or Trustees of any incorporated town or city in this State shall purchase any ground for school purposes, or enter into any contract for the building of any school building, or buildings, such School Trustee or Trustees shall file a statement with the trustees of such incorporated town or Common Council of such city, showing the necessity for such purchase of ground, or the erection of such buildings, together with an estimate of the cost of such ground or building, or buildings, and the amount of means necessary to be provided, to pay for such ground, or building or buildings; and such school trustee or trustees shall not purchase any ground, or enter into any contract for the building of any school building, or buildings, until such action be approved by the trustees of such incorporated town, or by the Common Council of such city: *Provided, however*, That there shall be nothing in this act so construed as to affect any purchase of grounds, or contract made for the erection of any building, or buildings, for school purposes, prior to the taking effect of this act.

4492. Surplus Special School Revenues. 1. It shall be the duty of the Board of School Trustees of any city or incorporated town in this State to pay over to the Common Council or board of trustees of any city or town, any surplus special school revenue in the hands of such school trustees, not necessary to meet current expenses, such excess of the revenue aforesaid to be applied for the payment of the interest or principal, or both, of any indebtedness incurred under the provisions of the act of March 8th, 1873, authorizing cities and incorporated town to negotiate and sell bonds to procure means to

erect and complete unfinished school buildings, and to purchase any ground and building for school purposes, and to pay debts contracted for the erection and purchase of building and ground.

4496. Colored Children. 3. The trustee or trustees of such township, town or city may organize the colored children into separate schools of the township, town, or city, having all the rights, privileges and advantages of all other schools of the township, town, or city: *Provided*, That in case there may not be provided separate schools for the colored children, then such colored children shall be allowed to attend public schools with white children; *Provided, further*, That when any child attending such colored school shall, on examination and certificate of his or her teacher, show to the trustee or trustees of any township, town, or city that he or she has made a sufficient advancement to be placed in a higher grade than that afforded by such colored school, he or she shall be entitled to enter the school provided for white children of a like grade, and no distinction shall therein be made on account of race or color of such colored child.

1497. Branches Taught. 147. The common schools of the state shall be taught in the English language; and the trustees shall provide to have taught in them orthography, reading, writing, arithmetic, geography, English grammar, physiology, history of the United States, and good behavior, and such other branches of learning and other languages as the advancement of pupils may require and the trustees from time to time direct. And whenever the parents or guardians of twenty-five or more children in attendance at any school of a township, town or city shall so demand, it shall be the duty of the school trustee or trustees of said township, town, or city to procure efficient teachers, and introduce the German language, as a branch of study, into such schools; and the tuition in said schools shall be without charge: *Provided*, Such demand is made before the teacher for said district is employed.

4501. Teachers Employed and Dismissal. 28. Trustees shall employ no person to teach in the common schools of the State unless such teacher shall have a license to teach issued from the proper State or county authority, and in full force at the date of the employment. Any teacher who shall commence teaching such school without a license shall forfeit all claim to compensation out of the school revenue for tuition for the time he or she teaches without such license, but if a teacher's license shall expire by its own limitation within a term of employment, such teacher may complete such term of employment within the then current school year. The said trustee shall not employ any teacher whom a majority of those entitled to vote at school meetings, have decided at any regular school meeting they do not wish employed, and at any time after the commencement of any school, if a majority of such voters petition such trustee that they wish the teacher thereof dismissed, such trustee shall dismiss such teacher, but only upon due notice and good cause shown, but such teacher shall be entitled to pay for services rendered.

4508. Title of school property. 157. The title to all lands acquired for school purposes shall be conveyed to the township, incorporated town or city, for which it is acquired, in the corporate name of such township, town or city, which is used for school purposes, for the use of common schools therein. In all cases in which the title to any such land is vested in any other person or corporation, than as above provided, it shall be the duty of [the] trustee, for school purposes of the township, town or city, to procure the title to be vested as above, in this section provided.

4—FREE LIBRARIES.

4524. Free libraries. 1. That in all the cities and incorporated towns in this State, the Board of School Trustees, Board of School Commissioners, or whatever board may be established by law to take charge of the public or common schools of such city or incorporated town, shall have the power, if in their discretion they deem it to the public interest, to establish a free public library in connection with the common schools of such city or incorporated town, and to make such rules and regulations for the care, protec-

tion and government of such library, and for the care of the books provided therefor, and for the taking from and returning to said library of such books as the said board may deem necessary and proper, and to provide penalties for the violation thereof: *Provided*, that in any city or incorporated town where there is already established a library open to all the people, no tax shall be levied for the purpose herein named.

4525. Tax to maintain. 2. Such board shall also have power to levy a tax of not exceeding one-third of a mill on each dollar of taxable property assessed for taxation in such city, in each year, which tax shall be placed on the tax duplicate of such city, and collected in the same manner as other taxes, and when said taxes are so collected, they shall be paid over to the said board for the support and maintenance of said public library, and such board shall have the power, and it shall be its duty to disburse said fund, and all revenues derived from gift or devise, in providing and fitting up suitable rooms for such library, in the purchase, care and binding of books therefor, and in the payment of salaries to a librarian and necessary assistants.

4526. Real estate. 3. Any such city in which a free public library may be established in accordance with the terms of this act, may acquire by purchase, or take and hold by gift, grant or devise, any real estate necessary for, or which may be donated or devised for the benefit of such library, and all revenues arising therefrom, and the proceeds of the same, if sold, shall be devoted to the use of the said library.

4533. When opened. 140. The library shall be open to all persons entitled to its privileges throughout the year, without regard to school sessions; Sundays and holidays excepted.

4534. Suits how brought. 145. Suits brought on behalf of the school of any township, town or city, shall be brought in the name of the State of Indiana, for the use of such township, town or city.

4534½. To pay for real estate. That in any case in which the Board of School Trustees of any city in this State, have purchased any real estate for the use of a public library of said city, under sections 4524, 4525 and 4526 of the Revised Statutes of 1881, and the revenues derived from taxation, under said sections, may have been or shall be insufficient to pay for such real estate, then said trustees be and are hereby authorized to pay for the same out of any money in the treasury of such city school, belonging to the special school fund thereof.

CITY ORDINANCES

CHAPTER I.

ACCOUNTS.

Claims to be Filed. Sec. 1. All persons having claims against the City of Fort Wayne for work rendered, or any claims or demands whatsoever, shall, on the Saturday preceeding the second and fourth Tuesday of each and every month, file with the City Clerk their respective claims, certified to by the officer who may have authorized the expenditure, or ordered the purchase involved in such accounts.

Finance Committee to Report. Sec. 2. It shall be the duty of the Finance Committee of said Council, on the Monday preceeding the second and fourth Tuesday of each month, to meet at the council chamber and examine such claims as are filed with the Clerk of the City; and to report to said Council in writing, such claims as they shall deem correct and just.

Proviso. Sec. 3. No claims of any kind, whatsoever, will be received by said Council, unless examined and reported by said Finance Committee. *Provided*, That in cases where written contracts have been made, and entered into between the City and other parties, this chapter shall not apply.

CHAPTER II.

ANIMALS.

Poundmaster's Duties. Sec. 1. It shall be the duty of the Common Council, to provide a public pound and to erect therein buildings for hay and feed, stables for horses and cattle, and pens for smaller annimals, and to provide means for watering such animals. It shall be the duty of such Council to elect a Poundmaster for said City at their first meeting in May, of each year. Said Poundmaster shall devote his time to the duties herein provided, and such other duties relating hereto, as the Common Council may from time to time direct, and for such purposes he is hereby vested with police powers. He shall give bond to the city in the sum of $1,000 conditioned for the faithful performance of his duties, as herein prescribed; he shall keep a book in which he shall enter a full description of every animal impounded by him, and the place from which the same was taken, the name of the owner, as soon as ascertained, and the hour when impounded. He shall make a full report of all his doings and of all moneys collected by him as such Poundmaster, and he shall pay all moneys collected under the provisions of this ordinance to the Treasurer of said city, and the Treasurer's voucher therefor shall accompany said monthly report. The City Marshal shall, in a book provided for the purpose, and kept conspicuously displayed at the city hall, enter all complaints made to him in regard to animals found running at large, giving the name and residence of the complainant; and any reputable citizen may enter for himself such complaint, and it shall be the duty of all officers and patrolmen to give notice of all animals seen by them running at large, and the said Poundmaster shall take prompt action upon such information.

Unlawful to Run at Large. Sec. 2. It shall be unlawful for the owner of any horse, mule, cattle, sheep, goat, swine or geese, to permit the same to run at large, at any time, within the corporate limits of said city; and it shall be unlawful for any person to herd any such animals upon any of the streets, alleys or uninclosed lots and lands within said limits.

Animals Taken Up. Sec. 3. If any such animals be so found at large, the Poundmaster shall take and impound the same, and the owner thereof may redeem such animal by paying to the Poundmaster, for the use of the city, the sum of one dollar; and fifty cents additional for each day such animal shall be impounded beyond the first day, and if no one redeem such animal within five days of its impounding, the Poundmaster shall sell the same at public auction, after ten days notice of such sale, by posting in at least three public places of said city, and by serving written notice of such sale to the owner if he be known.

Any Person May Take Up. Sec. 4. It shall be lawful for any person to deliver to the possession of the Poundmaster, any animal found running at large contrary to this ordinance.

Obstructions. Sec. 5. It shall be unlawful for any person to hinder, obstruct or delay said Poundmaster or his assistants, in the legal discharge of their official duties.

Penalty. Sec. 6. Any person violating this chapter, or any provision thereof, shall, upon conviction, forfeit and pay a fine to the City of Fort Wayne, of not more than one hundred dollars.

CHAPTER III.

ASSESSOR.

Appraisement. Sec. 1. It shall be the duty of the City Assessor to daily attend at his office, unless otherwise officially engaged. It shall be his duty each year to make an appraisement and assessment of all the real estate and personal property subject to taxation by the city, except whenever otherwise provided by statute, and make due return of such assessment, according to law. He shall prepare and keep posted plat books for the use of said city, and from time to time shall make all necessary corrections or changes therein, and add all new plats as they are recorded. He shall, in a book kept for that purpose, monthly note all transfers of real estate, with the names of the owners thereto, and he shall, for the use of himself and deputies, make a memorandum of all permits granted for improvements liable for taxation, as well as all such improvements as shall have been made without permits.

Omitted Property. Sec. 2. It shall be his duty at all times to place or cause to be placed upon the tax duplicate for taxation, all property which shall have been, from any cause, omitted from such assessment or taxation.

To Report for Prosecution. Sec. 3. It shall be his duty to report for prosecution any person who shall erect within said city any building or make any improvement to realty, for which a permit is necessary, without such person having obtained a permit from said city so to do.

CHAPTER IV.

ATTORNEY.

To Report. Sec. 1. In addition to the other duties of the City Attorney, it shall be his duty, during the months of January and July of each and every year, to report in writing, to the Common Council a list of all suits instituted and pending in courts of record, in which the City of Fort Wayne is plaintiff or defendant; in which report shall be stated the names of all plaintiffs or defendants, the nature of the actions, the date of commencement, and the several steps that may have been taken in court, during his term of office, to bring such suits to final issue, to be accompanied with such explanatory remarks as said Attorney may see fit to append. to the end that the Common Council may be more fully advised as to the legal affairs of the city; he shall also, attach to his report a list of all such cases as may have been disposed of during his term of office and subsequent to his last report, together with their results; said reports shall be made up to the first days of January and July of each year.

CHAPTER V.

AUCTIONEERS.

To be Licensed. SEC. 1. All sales of property at public auction, except such as are made by virtue of legal process, within the city limits, shall be by a licensed auctioneer, or his authorized agent, who shall first have obtained a license from the Mayor, countersigned by the clerk, and shall have executed a bond with surety to the satisfaction of the Mayor, conditioned for a faithful compliance with this and all subsequent ordinances of the city.

Application for. SEC. 2. All applications for license as auctioneer shall be made in writing to the Mayor, setting forth the name of the applicant, as well as the name of his surety, and the class of property he intends to sell.

To Report Sales. SEC. 3. Every licensed auctioneer shall weekly file with the Mayor, a full and itemized statement of all sales made by him during such week, and the prices received therefor, which statement shall be subscribed and sworn to by such auctioneer.

Pay into Treasury. SEC. 4. Licensed auctioneers, upon filing their weekly report of sales, shall at once pay into the city treasury, for the use of the city, six per cent. upon all sales of pictures and art goods, gold, silver and plated ware and jewelry; fancy notions and toys, five per cent.; dry goods, boots and shoes, hats and caps, china and queensware, four per cent.; buggies and wagons manufactured for the market, four per cent.; fancy groceries, two per cent.; staple groceries, one per cent.; any other goods, wares or merchandise not above enumerated, two and one-half per cent. Said per cent is to be paid as well upon all sales made in the same room and at the same time that the auction is held.

Unlawful to Sell Without. SEC. 5. It shall be unlawful for any person to sell at auction any property whatever (except by virtue of legal process) without having a license from said city so to do, and no person shall sell at auction upon any of the streets or alleys, without the written permission of the Mayor.

Penalty. SEC. 6. Any person violating any provisions of this chapter shall forfeit and pay a fine of not more than one hundred dollars.

CHAPTER VI.

BOARD OF HEALTH.

Authority. Sec. 1. Whenever a case of small pox, diphtheria or scarlet fever is found within the limits of said city, the Board of Health are hereby authorized and empowered to exercise complete supervision over such case, so far as to prescribe the number of attendants, nurses or persons who shall be allowed access to the apartment of the person afflicted. And it shall be the duty of such board to so restrict the movements of those nursing or in communication with such patients, that said persons may be restrained from going about promiscuously among the citizens.

Board to Prohibit. Sec. 2. The Board of Health is hereby authorized and directed to prohibit all sale or disposition of rags, clothing, bedding, carpets or furniture, to dealers or other parties, from dwellings in which any small pox, scarlet fever, or diphtheria patient may be or may have been, or the washing of clothing or other article of any kind, which may have been used, or exposed to infection in the apartments of such patients, elsewhere than in said dwelling, until the same shall have been disinfected in a manner satisfactory to said board, and said board is further authorized and instructed to cause any room, house or part of a house, in which any patient has been confined by reason of small pox, scarlet fever or diphtheria, to be immediately and thoroughly disinfected to the satisfaction of said board, or the Secretary thereof, and to cause the burial of all clothing of such patients, or other articles which cannot be disinfected, in a manner entirely satisfactory to said board.

Unlawful to Remove or Deface. Sec. 3. Any person removing or defacing any flag, card or other precautionary signal from any house or other

place where small pox, scarlet fever or diphtheria does or has existed, without the consent of said board, shall be deemed guilty of violating this ordinance.

Relating to Clothing. Sec. 4. The making or washing of clothing, other than for the family, in any building in which there is a case of small pox, scarlet fever or diptheria, or the conveyance of the body of any deceased person who died from small pox, scarlet fever or diphtheria, in any hacks or conveyance, is strictly prohibited.

Penalty. Sec. 5. Any person violating any of the provisions of this chapter shall forfeit and pay a fine of not more than one hundred dollars.

CHAPTER VII.

BOARD OF PUBLIC IMPROVEMENTS.

Duties of Board. Sec. 1. Be it ordained by the Common Council of the City of Fort Wayne, that there shall be appointed by the Mayor, upon the passage of this ordinance, and thereafter, at the first regular session of this Council in May of each year, three members of this Council, to be and constitute a Board of Public Improvements, whose duty it shall be to grant permits to any person, persons or corporations, to build houses or additions thereto; to prevent the erection of wooden buildings in such parts of the city as the Common Council thereof may determine; to condemn any building or structure liable to fall and endanger life or property, and provide for the removal and taking down of the same; to regulate and grant permits for (and, if deemed necessary to guard against fire, to prohibit) the removal of frame buildings within the city; to take from all persons or corporations to whom such permit is granted, or with whom the city shall contract for any improvement liable to endanger persons or property, a bond, with good and sufficient surety, to be approved by such board, payable to the City of Fort Wayne, conditioned, that the owners, or contractors, as the case may be, shall pay all damages sustained by any person or persons by reason of any carelessness or negligence in making such improvement or removal, as the case may be.

Unlawful to Build. Sec. 2. It shall be unlawful for any person or persons to erect, construct or build, or cause to be built, any building, or to alter any building so as to make it substantially a new or different building, without receiving a permit from said board so to do, and shall pay therefor the sum of fifty cents to the Clerk of such board for each permit so to them issued.

Application for Permit. Sec. 3. Whenever any person shall be desirous of erecting, repairing or altering any building, such person shall make application at the office of the Clerk of such board for that purpose; and such person shall be required to furnish a written statement to such board of the proposed location, the dimensions and manner of construction of the proposed building, together with the different stories of such building, the principal material to be used therein, and the probable cost thereof; and said board shall make a full report of the value of all such improvements to the Assessor of the city, for his action thereon.

Requisite of Permit and Bond. Sec. 4. All permits issued under the provisions of this ordinance shall particularly specify the amount and space to be occupied by building material in any public street immediately fronting the premises where such proposed building is to be erected. *Provided*, That in no case shall such permit grant any right whatever to use in such case more than fifteen feet of such street, measuring from the longitudinal center thereof to the outside edge of the sidewalk fronting such proposed building, and provided, further, that no such permit shall be issued granting any right to place any material whatever in any alley, nor upon any street, in such manner as to prevent the free passage of any persons or water along such street or gutter; and provided, further, that in all cases where any excavation is made by virtue of and under any permit granted under the provisions of this chapter, such excavation shall, in case the same is in, upon, or under any sidewalk, be securely and safely bridged, and lighted with red

lights at each end in the night time; and in no case shall the same be allowed by such permit, or otherwise, to be and remain in any manner obstructed so as to prevent the full, free and usual passage of people thereon, for any period longer than forty-eight hours, unless otherwise ordered by said board; and in case such excavation is in any other public place in said city, wherefor such permit shall have been given, then such excavation shall be safely and securely obstructed and barricaded by good and sufficient barricades, and in the night time red lights shall be kept burning thereon.

Powers of Board. Sec. 5. Such Board of Public Improvements or any member thereof, shall have full power to inspect all buildings in course of erection or when completed, and any that such Board may deem unsafe from any cause, and shall notify the owner thereof, or in case of non-residence in the city of such owner, then to tenant in possession, or any other person controling or managing the same, the said Board shall cause them and each of them, to construct the same in such manner as to make them safe from fires, by correcting the defective flues, or from falling down, by securing the foundation or other walls, columns or piers, as the case may be ; to prevent the erection of buildings, structures and furnaces in such manner as to endanger surrounding property ; to prevent excavations, except as provided for in the ordinances.

Collection of Expense. Sec. 6. Whenever any expense shall have been incurred by the City of Fort Wayne by reason of tearing down, repairing or rendering safe, any building condemned as unsafe by the Board of Public Improvements or the Common Council, and which the owners after due notice, failed to tear down, repair or render safe, the amount of such expense shall be reported to the Common Council, and thereupon the City Treasurer shall make demand of such owner, and upon his failure to pay the same within ten days to said Treasurer, for the use of said city, the City Attorney shall bring suit before some proper court for the recovery of such expense.

Penalty. Sec. 7. Any person who shall violate any or either of the provisions of this chapter or any section, clause or provision of any section of this chapter, or who shall neglect or fail to comply with any or either of the requirements thereof, shall, on conviction, forfeit and pay a fine of not more than one hundred dollars.

CHAPTER VIII.

BONDS OFFICIAL.

Sec. 1. All official bonds required by the City Charter or the Ordinances of said city, shall be duly acknowledged by the principal and sureties of said bond before an officer duly authorized to take such acknowledgments, and the oath of office required of such officer shall be endorsed on his bond.

CHAPTER IX.

BRIDGES.

Speed in Driving Over. Sec. 1. No person shall ride, lead or drive any wagon, carriage, sleigh, cart, or other vehicle or conveyance, or any horse or other animal, over or across any of the bridges within the city limits of the City of Fort Wayne, at a gait or pace faster that a common walk.

Cattle, Number of. Sec. 2. No person or persons shall drive, or assist in driving, on or across any of the bridges within the limits of the city, to exceed eight head of cattle or horses at any one time in a drove.

Obstruction. Sec. 3. It shall be unlawful for any person or persons to unnecessarily or willfully remain or stop with a team or teams, horses, oxen, wagon, sleigh, sled, or any other vehicle whatsoever, upon any of the bridges within the City of Fort Wayne, or in and upon the approaches of such bridges.

Keep to the Right. Sec. 4. It shall be the duty of all drivers or persons in charge of any wagon, dray, carriage, or vehicle of any kind, to keep to the right when crossing the bridges of said city.

Penalty. Sec. 5. Any person violating any provision of this chapter, shall, upon conviction, forfeit and pay a fine of not more than one hundred dollars.

CHAPTER X.

BUILDINGS.

How Constructed. Sec. 1. No building shall be erected within the fire limits, unless the same shall be constructed in uniformity with the following provisions:

First. All outside and party walls shall be made of stone, brick, or other fire-proof material.

Second. Outside and party walls, not exceeding twenty-four feet in height from the top of the sidewalk to the under side of the roof, joists or rafters (except for stores, mills, breweries and warehouses), shall not be less than sixteen inches, if of stone; but stores, mills, breweries and warehouses exceeding twenty-four feet in height, as aforesaid, shall not be less than twelve inches in thickness, if of brick, nor less than eighteen inches in thickness, if of stone, and if exceeding three stories in height the two lower stories shall not be less than sixteen inches in thickness, if of brick, nor less than twenty-four inches in thickness, if of stone.

Third. All joists, beams and other timbers in outside and party walls shall be separated at least four inches from each other with stone or brick laid in mortar, and all wooden lintels or plate pieces, in the front and rear walls, shall recede from the outside of the walls at least four inches, except that lintels of timber may be used in rear of cast iron fronts, and plates of wood may be used in cornices; but all of such cornices shall be securely fastened in the walls of the building with iron rods, in such manner as that in case of fire they will not fall until burned to pieces.

Fourth. There shall be no more than thirty feet space between the party or outside walls of any building, unless such building shall be supported by iron or other columns or supports of fire-proof material.

Fifth. All end and party walls shall extend above the sheeting of the roof at least seven inches, or three courses of brick, and in no case shall the planking or sheeting of the roof extend across any party or end wall.

Sec. 2. No owner, builder or other person shall build, or aid in the erection of any building, or part of building, within the said limits, contrary to, or in any other manner, than authorized by the provisions of this chapter.

Penalty. Sec. 3. Any person violating any provision of this chapter, shall, upon conviction, forfeit and pay a fine of not more than one hundred dollars.

CHAPTER XI.

BUILDINGS MOVED.

Permit to Move. Sec. 1. It shall be unlawful for any person to move upon, along or across any street or alley of said city, any building without first having obtained from the City Clerk a permit as hereinafter provided. The person desiring such permit shall apply therefor in writing, to the City Clerk, stating the route upon which he proposes to move such building, and the size thereof; such applicant shall also file with the City Clerk, before obtaining such permit, the written approval of the Street Commissioners as to such route, and a bond, with proper surety, conditioned to pay all damages that may be occasioned directly or indirectly by the moving of such building to person or property. Nothing in this ordinance contained shall be construed as authorizing or permitting any person to move or cause to be moved, any building across any bridge or culvert; nor, as authorizing the location of any frame or wooden buildings within the fire limits.

Clerk to Report. Sec. 2. It shall be the duty of the City Clerk to report to the Common Council monthly, the number of such permits issued by him.

Obstruction. Sec. 3. It shall be unlawful for any person to cause, suffer or permit any building to remain stationary upon any public street, sidewalk or alley for a period of time exceeding three hours during daylight, nor shall any such building or house be allowed to remain upon such street, sidewalk or alley more than twelve hours for each square of the route upon which the applicant for a permit proposes to move the same.

Precaution Sec. 4. It shall be the duty of the person granted such permit, to guard the public against any injury or damage by reason of such building being upon and in any such street or alley in the night time, by placing a red light at each corner of said building and removing all other obstructions.

Penalty. Sec. 5. Any person violating any provision of this chapter, shall, upon conviction, forfeit and pay a fine of not more than one hundred dollars.

CHAPTER XII.

CITY CONTRACTS.

Opening and Filing Bids. Sec. 1. Whenever in any department of the city government. competition is invited for bids by advertisement in the city newspapers or otherwise, the original bids received by the department calling for the same, shall, after the opening of the award, be filed in the office of such department, and remain subject to the examination of all persons feeling an interest therein.

Plans and Specifications. Sec. 2. Wherever any department of the city government shall advertise for bids for any public improvement, or for material, there shall be prepared full and complete plans and specifications for the same, and no such work shall be advertised for until, the plans and specifications for the same shall have been submitted to the Common Council and approved by them, and the certificate of the City Clerk of such approval by said Council attached thereto, and the bids accepted thereon, shall be all the compensation paid for said improvement or materials, and no extra allowance shall be made or paid by said department, city officer or Common Council, whatsoever. *Provided*, however, that if it becomes necessary to make any change in the original specifications, the price and cost of such change shall be agreed upon before making the same and endorsed on the contract.

Bidders' Bond. Sec. 3. No bid or proposition for the performance of any of the public works authorised by any ordinance or resolution of the Common Council, shall be received and considered, unless the same shall be accompanied by a responsible guarantee, signed by one or more persons besides the bidder for the work, that the bidder shall enter into a contract agreeable to such bid, or pay one hundred dollars as liquidated damages to said city in consequence of failure so to do.

Failure to Enter Into Contract. Sec. 4. Any party stipulating to do work for the city, shall, within eight days after the acceptance of his or their proposition by said Council, enter into contract and give necessary security for the performance of such. In case of the failure of such parties so to do, such proposition shall be void, so far as the same may be binding on the city. The Civil Engineer of said city shall, at the next subsequent meeting of said Council, report all persons failing to enter into any contract so awarded.

Officers not to Make Contract. Sec. 5. No member of the Common Council, or other officer of the city, shall hold, make or be in any way interested, or be security for any contractor in any contract with the city, or in any public work thereof, either directly or indirectly.

Certificate Before Allowance. Sec. 6. No allowance shall be made to any party having entered into any contract with said Council, unless certified to by the City Civil Engineer, or proper officer, and approved by the Common Council.

Contract to be Approved. Sec. 7. All contracts made by any committee of the Common Council or any officer of the city, in which the city is a

party interested therein, shall be submitted to said Council for approval, and if not approved, the city shall not be liable on such contract in any manner whatsoever.

To Receipt Estimate. Sec. 8. It shall be the duty of every contractor doing public work for the city, and for which he shall obtain an estimate, to acknowledge in writing upon the estimate book in the office of the City Clerk, payment of the same within thirty days after the payment of any such estimate shall have been made, and upon the failure of such contractor, within said time so to do, he shall forfeit and pay to the City of Fort Wayne, a fine of not less than one dollar, nor more than one hundred dollars.

Proof of Publication. Sec. 9. It shall be the duty of any person having a contract with said city for publications of legal notices, to file with the proper officer a proof of publication of each notice, and such contractor shall receive no payment from the city for any such publication, until proof has been filed as herein provided.

CHAPTER XIII.

CITY OFFICERS.

Powers of Officers. Sec. 1. The powers and duties of the following named officers of said city, to wit: Mayor, Treasurer, Clerk and Marshal, shall be as next hereinafter detailed.

Duties of Mayor. Sec. 2. The Mayor shall report to the Common Council at the expiration of three months from the commencment of his term of office, and quarterly thereafter, the amount of fines, penalties, and forfeitures received by him during said time, making a detailed statement thereof, showing for what offense said fine was assessed or forfeiture taken, and shall at the same time, present the City Treasurer's receipt for all of such fines or forfeitures; which report shall also show what amount belongs to the city treasury.

Duties of Treasurer. Sec. 3. Said Treasurer shall receive all monies due to, and collected for said city, and pay out the same only on presentation of the properly drawn and attested orders of said Council. He shall report to the City Clerk before the first regular meeting in each month of said Council, the money transactions of the preceeding month, accompanying the same with the proper vouchers; and at the first regular meeting thereof in January of each year, he shall lay before said Council a full and complete account of the financial year ending with the thirty-first day of December, exhibiting the number of the orders taken up, the amount paid and interest; he shall keep all notes and bonds belonging to said city (except those given by himself, which shall be deposited with said Clerk), and such notes and bonds shall always be subject to the order of said Council; he shall attend at the Treasurer's office daily, Sundays eccepted, from 8 o'clock A. M. to 4 o'clock P. M., unless elsewhere officially engaged, and at such other hours as may be necessary for the performance of the duties enjoined on him by law.

Duties of Clerk. Sec. 4. Said Clerk shall attend all meetings of said Council, and record their proceedings; keep the proper account books appertaining to his office; record all ordinances of said Council, in a book to be provided for that purpose, and, in connection with the President of said Council, shall attest the same; make yearly tax duplicate; preserve all papers and property of said city placed in his keeping, and, on going out of office, deliver the same to the President; present thereto, at its first regular meeting in January of each year, a detailed statement of all receipts and expenditures of money belonging to said city, and of all debts due to and from the same, up to the thirty-first day of December, perform all such other duties as may be required of him by said Council, and report at the first regular meeting in each month, the amount appropriated the preceeding month, and also the total amount of indebtedness of said city; he shall attend at the Clerk's office every day, excepting on Sundays, the Fourth of July, Christmas, New Years day, and Thanksgiving day. In his absence or disability, a protempore appointment, to fill his place, may be made by a vote of the majority of the Councilmen elect.

Duties of Marshal. Sec. 5. Said Marshal shall execute all orders of said Council, see that its ordinances are enforced, and give it notice of any nuisance made or suffered in said city; and if the person suffering on his premises or occasioning such nuisance, shall not, on notice remove it immediately, said Marshal shall remove or abate the same, and shall thereupon be entitled to receive from the person so suffering or occasioning such nuisance, double the cost of removing or abating the same, which cost shall be recoverable by action against such person, for the use of said city; he shall be industrious and vigilant, not only in preventing any infraction of the ordinances of said city and bringing offenders to justice, but also, in causing the prevention or punishment of offenses against the penal laws of the State of Indiana, committed within said city, and in suppressing disturbances, affrays, riots and other breaches of the peace therein; he shall keep an account of all moneys received by him for the use of said city, pay the same to the Treasurer thereof on the first Saturday of every month and take his receipt therefor.

Sec. 6. Any officer of said city violating any section, or part of section of this chapter, shall, on conviction, forfeit and pay a fine not exceeding one hundred dollars, and shall, also, be liable to immediate dismissal from office.

CHAPTER XIV.

CITY TIME.

Sec. 1. On and after the first day of February, A. D. 1887, the standard of time throughout the departments of the city government, shall be what is known as solar or suntime.

CHAPTER XV.

CITY WEIGHER.

Weigher to Qualify. Sec. 1. It shall be the duty of the Common Council, at the first regular meeting in May of each year, to elect by ballot, a City Weigher, whose salary shall be fixed by said Council. Before entering upon the duties of his office, he shall file his bond, with sureties to the satisfaction of the Common Council, in the sum of one thousand dollars, conditioned for a faithful discharge of his duties.

Duty of Weigher. Sec. 2. It shall be the duty of said Weigher, to attend the Barr street market, from 7 o'clock A. M. until dark, and weigh all hay or coal that may be there sold or offered for sale, measure all wood, and to weigh such other articles as the owner may request.

Place of Sale. Sec. 3. It shall be unlawful to sell, or offer for sale, any coal, wood or hay at, upon, or in any street, alley or public place in the city, except the Barr street market space, between Washington street and Berry street. But nothing herein contained shall be intended to prevent the taking of orders for future delivery.

To Weigh Certain Articles. Sec. 4. It shall be the duty of said Weigher, to weigh all hay or coal offered for sale at said market, so as to determine the true weight of each load of such hay or coal, and for this purpose the owner or seller of such hay or coal, shall allow said City Weigher to weigh any vehicle upon which hay or coal is loaded, at such times as said Weigher shall deem proper for the protection of purchasers; and the Weigher shall collect from the owner or seller, for each weighing of hay, coal or vehicle, the sum of ten cents per draft; and he shall at the time deliver to the owner or seller, a ticket, showing thereon the exact weight of the wagon, and exact weight of the hay or coal, as the case may be, as well as the gross weight, and he shall sign and date the same.

To Measure Wood. Sec. 5. The City Weigher shall measure accurately every load of wood exposed for sale at said market, and furnish to each owner or seller a ticket, showing thereon the owner's name, the date, and the number of cubic feet contained in such load, and he shall sign the same, and collect from said owner the sum or five cents for each load so measured.

To Pay in Treasury. Sec. 6. It shall be the duty of the City Weigher, once every week to pay into the city treasury for the use of the city, all monies collected by him as such Weigher. For such purpose he shall keep a receipt book, giving to each person a receipt for all payments, and he shall then preserve a stub, showing the amount received, who from, the date, and a true statement of the weight or measure.

Unlawful to Sell. Sec. 7. It shall be unlawful for any person to sell or offer to sell, any moldy or unclean hay, or offer to sell any hay in such manner as to deceive the purchaser as to quantity or quality.

Fraud or Deceit. Sec. 8. Any person selling wood, or offering wood for sale, within the City of Fort Wayne, who shall knowingly make any false representations as to the quantity or quality of wood contained in any load offered for sale, with intent to defraud any person or persons, who may purchase the same; or, who shall fraudulently so construct any load of wood which may be exposed for sale, as to conceal therein inferior or unsalable wood, and different from the parts of the load exposed to view, with intent to defraud any person or persons who may be the purchaser thereof; or who shall fraudulently resort to any other trick or artifice, by concealment or misrepresentation, to deceive any purchaser, whether selling by the load or by the cord, and thereby defraud him or her, either as to the quantity or quality of such wood, shall upon conviction thereof before the Mayor, be subject to the penalty hereinafter provided.

Penalty. Sec. 9. Any person violating any provision of this chapter, shall forfeit and pay a fine of not more than one hundred dollars.

CHAPTER XVI.

DOGS.

Owner to List. Sec. 1. It shall be the duty of every person who shall own, possess or harbor any dog or bitch, within the limits of the City of Fort Wayne, to return such dog or bitch to the Assessor at the time when the Assessor makes his annual assessment of property subject to taxation for city purposes; and the annual tax on dogs and bitches, shall be fixed by the Council at the time other taxes may be levied.

To Wear Collar. Sec. 2. Every person who shall own, possess or harbor any dog or bitch, within the limits of the city, which by force of this chapter is subject to taxation, shall, before such dog is permitted to run at large within the city, put around the neck of such dog a leather or metal collar, with the owner's name distinctly marked thereon, and cause the same to be securely fastened and kept around the neck of such dog.

Not to Remove Collar. Sec. 3. Should any person, other than the owner, possessor or harborer of any dog contemplated by this chapter, remove from the neck of such dog any such collar, without the permission of such owner, possessor or harborer, such person shall be deemed a violator of this chapter, and subject to the penalty hereinafter prescribed.

Slut Not to Run at Large. Sec. 4. Every person who shall suffer or permit any slut to run or be at large while in heat, shall, in addition to the penalties herein otherwise provided, be liable to pay a further fine of three dollars and costs.

Mayor to Kill. Sec. 5. It shall be lawful for the Mayor, at any season or time, whenever, in his opinion, public health or safety requires it, to issue his proclamation forbidding the running at large of any dog not muzzled with a wire muzzle, to be fastened on with a leather strap or chain, and offering such premium for their destruction, as to him shall seem proper. He may also, in his discretion, require the Marshal or any and all policemen, to destroy any dog at large in violation of this section.

Vicious Dogs to be Killed. Sec. 6. And any dog so running at large, or confined, which shall be proven, to the satisfaction of the Mayor, to have bitten any person, except in the protection of its owner's property, shall be ordered to be killed, and it shall be lawful for the City Marshal or any police

officer of said city, to enter upon, and into any premises where such dog may be, and to kill the same, when ordered so to do by the Mayor.

Dogs to be Muzzled. Sec. 7. In addition to the foregoing provisions, every owner or keeper of any dog, who shall permit the same to run at large, between the first days of June and October, without being muzzled, as provided in the fifth section, shall forfeit, and pay the fine hereinafter prescribed.

Penalty. Sec. 8. Any person who shall neglect to perform any duty required by the foregoing sections of this chapter, or who shall interfere with any official, executing any order issued under said chapter, or who shall violate any of the provisions of said sections, shall forfeit and pay a fine of not more than one hundred dollars.

CHAPTER XVII.

DRAINING OF LOTS.

Nuisance. Sec. 1. Whenever any lot or lots, or parcel of ground, within the corporate limits of the City of Fort Wayne, or within two miles therefrom, shall have standing water thereon, which has, or may become stagnant, the same shall be deemed a nuisance, and injurious to the health of the city.

To Be Abated. Sec. 2. It shall be the duty of the Street Commissioner, when ordered by the Council, to give notice in writing (if the owner be a resident of the city) to the owner of any lot or parcel of ground having standing water thereon, notifying him of the condition of said lot or parcel of ground, and requiring him to fill up or drain said ground of all standing water, within ten days after the notice. If the owner be a non-resident of the city, or, if he be unknown, it shall be sufficient to publish said notice for three weeks consecutively in some newspaper published in the city, requiring the owner to fill up or drain said ground, within fifteen days after the last publication; and it shall be the duty of the officer serving the notice, or causing the publication to be made, to file his return or proof of publication, with the City Clerk under oath.

Council to Order Filling. Sec. 3. If the owner shall fail or refuse to fill up or drain said ground, after being notified, as provided for in section two, it shall be the duty of the Common Council to order the same to be done at the expense of the owner, which work shall be done by letting the same to the lowest and best bidder, after advertising for proposals for at least ten days before the day of letting, in a daily newspaper published in the city, which order for the work shall be adopted by a two-thirds vote of the Common Council.

Mode of Collection. Sec. 4. After the work shall have been contracted for, as provided in the last preceding section, the work shall proceed as the law requires for the improvement of streets; but, if, after advertising, there shall be no bids, or if the successful bidder shall, from any cause whatever, fail to do the work, then the Common Council shall order the Street Commissioner to at once proceed to fill up or drain said ground, so as to abate the nuisance, in such manner as the Civil Engineer shall direct, and the Street Commissioner shall report the expense of the work, under oath, against each property owner, which expense shall be, by resolution of the Common Council, assessed upon the property according to said report of said Street Commissioner, whereupon the same shall be charged against the owner upon the tax duplicate, and collected as other city taxes.

CHAPTER XVIII.

ELECTIONS.

Sec. 1. Each Judge, Inspector or Clerk, of any election for city officers, shall receive, as compensation for his services, the sum of three dollars for each day's service, to be paid out of the city treasury, from any funds not otherwise appropriated, by order of the Council, as provided in other cases.

CHAPTER XIX.

ENGINEER, CIVIL.

Plans and Specifications. Sec. 1. The City Civil Engineer shall prepare and lay before the Common Council, plans and specifications for all improvements of streets, alleys, market spaces and other public commons, and all other public works of said city, which may be in contemplation, or which he may deem for the public good or convenience, together with the estimated cost of the same. He shall also annually furnish to the Street Commissioner such plans and specifications as may be necessary for the proper inspection, repair and cleaning of the public sewers. All applications for public improvements shall first be made to the Common Council, and shall be referred to said engineer, who shall report back thereon to said Council, submitting with such report the plans and estimates of such as he may approve, together with such other recommendations in relation thereto as he may see proper to make. He shall receive and present to the Common Council all proposals for constructing any public work; and shall inspect all materials used or to be used in the construction of all public works of the city, and shall reject all such as, in his opinion, may be unfit or unsafe, and he shall forthwith give notice of such rejection to the contractor or party furnishing the same. He shall also, when necessary to secure the faithful and timely completion of such work, notify the contractor thereof to employ additional men and horses; and, in case of refusal or neglect of said contractor to comply with such notice, said engineer shall immediately report such action to the Common Council.

Engineer to Superintend. Sec. 2. The City Civil Engineer shall superintend all public work ordered by the Common Council, and shall have sole control thereof. Whenever, during the progress of any public work, such work may be progressing in an unsatisfactory manner, or contrary to the terms of the contract therefor, he may order the further progress of such work suspended, and have any or all of it taken down or removed, and rebuilt at the expense of the contractor, in accordance with the terms of such contract; and no appropriation or payment shall be made by said Council before said engineer shall have certified that such work has been done according to the contract therefor.

To Report. Sec. 3. The City Civil Engineer shall report to the Common Council all encroachments, which may come to his knowledge, on any of the streets, alleys, or other public places of the city; and shall, when directed by the Common Council, make surveys of the streets, alleys, market places and other public places in said city, and prepare plans and profile delineations of the same.

Engineer to Keep Records. Sec. 4. Said engineer shall keep an office to be provided by the Common Council, and he shall cause all surveys, maps, plats, charts, or documents to be filed or recorded therein in books to be provided by said Council for that purpose, and which said engineer shall carefully preserve and turn over to his successor in office. He shall keep a record of all plats, subdivision of lots, squares, blocks, or parts of either of them, and note in figures, in feet and inches, the size of such lots, squares, blocks, or parts thereof, and the width of all streets and alleys in the city.

Grades to be Given. Sec. 5. All grades for the improvement of streets, alleys and sidewalks, shall be given by the City Civil Engineer with reference to the general improvement of the city, and in view of the permanent establishment of such grades by the Common Council. He shall establish and locate permanent "Bench marks," and all plats, profiles or other delineations for sewers, streets, alleys or sidewalks shall be made with reference thereto; and he shall keep a record of such "Bench marks," and all grades given by him, or established by the Common Council, for the improvement of such sewers, streets, alleys and sidewalks. He shall keep in his office a map or chart showing plainly the location, size and kind of each and every public sewer in the city, and the location of all manholes and catch basins in connection with the same.

Deputies. Sec. 6. Said Engineer may appoint, subject to the approval of

the Common Council, one competent assistant civil engineer, at a salary not to exceed one hundred dollars per month; one rodman, at a salary not to exceed seventy-five dollars per month, and when necessary, two chainmen, whose compensation shall not exceed one dollar and fifty cents each for every day actually employed. Said City Engineer shall have exclusive control over such assistant engineer, rodman and chainmen, and may discharge any or all of them at any time for incompetency, negligence or insubordination, or if, in his opinion, the employment of such persons, or any of them, may become unnecessary.

Interfering with Officers. Sec. 7. If any person shall interrupt or molest said Engineer, his assistants or employes while engaged in the discharge of their official duties, by riding or driving any horse, animal or vehicle against the persons, surveying instruments or apparatus of said Engineer, his assistants or employes; or shall remove or destroy any stakes, monuments or other landmarks fixed or determined by him, or by wilfully causing or offering them any kind of corporal injury or hindrance, such person or persons shall forfeit and pay a fine in any sum not to exceed one hundred dollars, for each and every offense so committed.

No Fees. Sec. 8. And said Engineer shall not be entitled to make any charge against any person for any of the services herein specified other than his salary as fixed by the Council, except for such services as he is directed to make by the statutes of the state.

CHAPTER XX.

FEES.

Sec. 1. Any city officer upon whom the duty devolves, is hereby authorized to demand and receive as fees, to and for his own use:

For issuing each license, one dollar.

For transferring each license, one dollar.

For taking bond on such transfers, twenty-five cents.

For each deed issued by the city, one dollar.

For the use of the corporate seal for any attestation, acknowledgement, or other certificate, twenty-five cents.

Administering each oath and attesting the same, twenty-five cents.

For canceling each certificate, twenty-five cents.

For certified copies of any record, each one hundred words, fifteen cents.

CHAPTER XXI.

FIRE DEPARTMENT.

Fire Limits. Sec. 1. All that part of the City of Fort Wayne, embraced within the following limits, shall be known as the fire limits of said city, to-wit: Beginning with the intersection of Superior street and Lafayette street, thence south along said Lafayette street, to Wayne street; thence west along Wayne street to Barr street; thence south on Barr street to Jefferson street; thence west on Jefferson street to Clinton street; thence south on Clinton street, to the track of the Pittsburg, Fort Wayne and Chicago railway; thence west along said track to its intersection with Harrison street; thence north on Harrison street to Wayne street; thence west on Wayne street to Webster street; thence north on Webster street to Superior street; thence east on Superior street to place of beginning.

Proviso. Sec. 2. It shall be unlawful for any person to erect or cause to be erected, any frame building or shed within the fire limits of said city. *Provided*, That buildings destroyed by fire or acts of Providence, to an extent equal to not more than seventy-five per cent. of their assessed value, may be repaired to the extent of their former condition. And *provided, further*, That the owner of any frame building now existing within the fire limits, may repair the same of like material to an extent not to exceed in any one year, twenty-five per cent. of the assessed value of such building; to do so, he shall first file with the City Clerk his written application for a permit, in which he

shall give the number of the lot upon which the same is situated, with a minute description of such repairs, with an estimate of the costs thereof, and the assessed value of the building, and said repairs shall not exceed twenty-five per cent. of such assessed valuation.

Officers. Sec. 3. The Fire Department of the City of Fort Wayne, shall consist of a Chief Engineer, a First and Second Assistant Chief Engineer, as many firemen, enginemen, hosemen, truckmen, and other persons as may be deemed necessary by the Common Council. to be divided into companies as the Fire Commissioners may direct.

Fire Commissioners. Sec. 4. The Fire Commissioners shall consist of the Mayor and four members of the Common Council, to be elected by the Common Council at their first regular meeting in May of each year. It shall be their duty to examine and report to the Council upon all matters relating to the fire department referred to them by the Common Council. They shall at all times have free access to all and every portion of the engine houses, rooms, stables, and premises, and power to examine, and report upon the condition of all fire apparatus, and property of said department. The said Commissioners shall have power to suspend, expel, fine or reinstate any such suspended member. They shall have power at all times to purchase all feed and supplies necessary, except fuel, as the same from time to time are needed, and in case of emergency, shall have power to have any of the fire apparatus repaired sufficiently to keep them fit for service.

Record and Reports. Sec. 5. The Chief Engineer shall keep a record of the doings and workings of said department, subject at all times to inspection. He shall, semi-annually, in the months of January and July, at its first regular meeting in each month, make an accurate report to the Common Council, of the doings and condition of the department, and shall make special reports at such times as the Common Council shall, by resolution, require. He, together with the Fire Commissioners, shall have entire control over the employes and property of said department. The Chief Engineer shall have power to suspend any employe, and in case of the suspension of any employe, it shall be his duty to at once notify the Fire Commissioners thereof in writing, giving his reasons therefor. The Chief Engineer shall be held accountable for the safe, and proper care of all city property in his custody as such Chief. He shall make such rules, and regulations for the government, discipline, and good order of the department as he may from time to time deem expedient; such rules and regulations, before taking effect, to be first ratified and approved by a vote of the Council. He shall, at fires, have sole command over all officers, employes, and persons, who may be present. It shall be his duty to examine into the condition of all cisterns, hydrants, fire apparatus, and houses connected therewith, and report the same to the Fire Commissioners.

Assistants. Sec. 6. The First and Second Assistant Chief Engineers shall be appointed by the Chief Engineer, at the first meeting after his appointment, such appointments to be confirmed by the Common Council. The Assistant Engineers shall assist the Chief Engineer, and obey his orders, and in absence of the Chief Engineer take command according to rank, and perform the duties, and have the powers of the Chief Engineer at fires, and on other occasions.

Blow up Buildings. Sec. 7. The Chief Engineer, or in his absense, the person acting as Chief, with the concurrence of the Mayor, or in his absence, with the concurrence of any five councilmen, may direct the firemen to take down, blow up, or cause to be blown up, or destroy any building or erection during the progress of a fire, for the purpose of checking or extinguishing the same.

Right of Way. Sec. 8. The officers and employes of said department, with their apparatus, shall at all times, when on duty, have the right of way over, and across any highway, and shall have power to stop any train necessary when going to or working at a fire, except such trains as carry the United States mail.

Police Powers. Sec. 9. The Chief and Asistant Engineers shall have all the power of police officers during the continuance of a fire, or an alarm of fire.

Obstruction of Hydrant. Sec. 10. It shall be unlawful for any person, in any manner, to obstruct the use of any fire hydrant, or have, or place any material in front thereof, or within five feet from either side thereof, and any and all material found as an obstruction as aforesaid, may be forthwith removed by any member or members of the fire department, and at the risk, cost, and expense of the owner or claimant.

Engine Houses. Sec. 11. No person, other than a fireman, policeman, or public officer, shall enter or assemble with any other person or persons, in any engine house belonging to the city, without the permission of the officer in charge of such engine house.

Require Assistance. Sec. 12. It shall be lawful for the Chief Engineer and the Assistant Chief Engineer, to require the aid of any drayman with his horse and dray, driver of a licensed wagon with his team and wagon, or any citizen, inhabitant or bystander, in drawing or conveying any engine or other fire apparatus, to the fire and in working and using the same, while at a fire.

Keep off Hose. Sec. 13. No street railroad car, wagon, or other vehicle, shall be driven over any unprotected hose of the fire department of the City of Fort Wayne, when laid down on any street or alley to be used at any fire or alarm of fire, without the consent of the Chief Engineer or the Assistant in command.

Keys. Sec. 14. No person shall have in his possession, or make or cause to be made, any key or keys of any fire engine or truck house, or fire-alarm telegraph box, or use, or cause to be used, the same, without the consent of the proper authority (except the Fire Commissioners and members of the fire department.)

Property Saved. Sec. 15. No person shall be entitled to take away any property in the possession of the fire department saved from any fire, until proof of ownership be made, satisfactory to the Chief Engineer or acting Chief Engineer.

Defacing. Sec. 16. No person shall scratch, stencil or post placards or bills on any poles of the fire-alarm telegraph, or in any manner deface or injure the same.

Not to Open Box. Sec. 17. No person or persons, except those connected with the management of the same, shall open any signal box, unless it be to give an alarm of fire; or in any manner meddle or interfere with any signal box or fire-alarm telegraph wires.

Penalty. Sec. 18. Any person violating any provision of this chapter, shall, upon conviction, forfeit and pay a fine of not more than one hundred dollars.

CHAPTER XXII.

GARBAGE.

Storage of Garbage. Sec. 1. It shall be unlawful for any person to throw out, empty, or place on any lot, ground, street or alley in this city any kitchen slops, vegetables, or animal waste, parings, refuse or offal, commonly called garbage; but each and every person making, having, or necessitating any such slops, waste, parings, refuse or offal, commonly called garbage, shall put the same, and every part thereof, in some suitable water-tight vessel, to be kept covered, and to be placed at a convenient place on or near the premises, out of reach of, or disturbance from animals and vehicles, and within reasonable convenience to garbage gatherers; and every head of a family, or other person occupying or having control or authority over, in, or on any place or premises where any such garbage is made, had or accumulated, shall be required to see to the collecting, and securing the same, according to the provisions of this section; and any person who shall violate any of the

provisions of this section, or shall fail or neglect to perform either one or more of the duties imposed herein, shall be fined for any violation on any day, or for each day of any such failure or neglect of duty, in any sum not more than five dollars; *Provided*, That nothing herein contained, shall prevent any such person from using or consuming his, her or their garbage, for any purpose not inconsistent with the object of this section.

Districts. Sec. 2. For the convenience and facility of gathering and collecting such garbage, the said city is hereby divided into seven districts, to be known as "Districts 1, 2, 3, 4, 5, 6, and 7." The eighth ward shall constitute District No. 1; the first and second wards shall constitute District No. 2; the third and fourth wards shall constitute District No. 3; the fifth ward shall constitute District No. 4; the sixth word shall constitute District No. 5; the seventh ward shall constitute District No. 6; and the ninth ward shall constitute District No. 7.

Garbage Gatherers Licensed. Sec. 3. It shall be the duty of the Mayor to license some competent persons for each or all of said districts, to gather and collect all the garbage in such districts or district; and it shall be unlawful for any person to make a business of collecting together and taking away any garbage, as set forth in section one, without having procured said license; nor shall any license authorize any person to gather and take away garbage in any other district than that for which such person is licensed; such license shall be issued by the first of June of each year. Any person violating the provisions of this section, shall be fined in any sum not exceeding ten dollars, for each offense, on any one day.

Powers of License. Sec. 4. Such license shall be granted to the highest bidder, and such license, when granted, shall confer on the person licensed the exclusive privilege, in the district for which he is licensed, to follow the business of gathering and removing garbage for his own use; but nothing in this section or chapter contained, shall authorize any such garbage gatherer to feed such garbage to stock, or otherwise use the same, within the limits of said city, so as to create any noisome or offensive odors or nuisance in or to the neighborhood, or any person or citizen thereof, where said garbage is so fed or used; and any garbage gatherer who shall be guilty of a violation of any provision of this section, shall be fined for each day that any such noisome or offensive odor or nuisance is maintained, suffered or permitted, in any sum not less than five, nor more than twenty dollars.

To File Bond. Sec. 5. Before any person shall receive a license, he shall file a bond with security acceptable to the Mayor, payable to the City of Fort Wayne, in a penalty of two hundred dollars, conditioned for the faithful discharge of all duties required of him by the ordinances of the city, and which bond may be put in suit for all fines, penalties, costs, and forfeitures incurred by any such person, under this chapter.

To Remove Garbage. Sec. 6. Every person so licensed, as aforesaid, to gather garbage, shall visit every place in his said district where garbage is made and kept for removal, at least once every two days, and collect together, in a water-tight conveyance, which he shall use, and keep for the purpose, all the garbage in said district, and shall remove the same to such place or places where it will not cause any annoyance to citizens; and every person so licensed, as aforesaid, who shall fail to attend at the times and places to gather garbage, as herein required, or who shall fail to remove such garbage in a water-tight vessel, or vehicle, to prevent the spilling of the same on or along the streets; or shall fail in any duty imposed by this chapter, each and every person so failing or offending, shall be fined in any sum not exceeding five dollars for each offense, in any one day.

To Keep Clean. Sec. 7. It shall be unlawful for any person to place any thing or substance into any garbage barrel or vessel kept upon any premises under the provisions of this ordinance, the tendency of which thing or substance would be to render garbage and slop unclean and unfit to be fed to animals, and any person so doing shall, upon conviction, forfeit and pay a fine of not more than one hundred dollars.

CHAPTER XXIII.

GUNPOWDER.

Licensed to Sell. Sec. 1. No person shall keep, sell or give away any gun powder, gun-cotton, or other explosive material or compound, unless a permit, in writing, for such purpose, be first obtained from the Mayor, countersigned by the Clerk. And no more than four permits shall be granted in any one block; and in case the number of applications shall exceed four, the authorized four shall be chosen by ballot by the city Council. The Clerk shall make an entry in a register kept for that purpose, of all persons' names and places of business having such permit. No person, firm or corporation having such permit, shall have or keep, at his or their place of business, a greater quantity of gunpowder or guncotton than fifty pounds at one time, and the same shall then be kept in tin canisters or cases, containing not to exceed twenty-five pounds each, and in a place remote from fires, lighted lamps, candles, gas, or other inflammable matter, and so that the same may be quickly removed in case of fire ; and no person shall weigh or sell any gunpowder or guncotton after the lighting of lamps in the evening, unless sold in sealed canisters or cases.

Keep a Sign. Sec. 2. It shall be the duty of every person to whom any such permit is granted to keep a sign at the front door of his place of business, with the word "Gunpowder" painted thereon in English letters, at least six inches long.

Time of Permit. Sec. 3. All permits granted under this chapter, shall expire on the first day of April of each year. No permit shall be granted to any retailer of intoxicating liquors, or to any intemperate person. The person receiving such permit shall only pay the fee of issuing the same.

Nitro-Glycerine or Dynamite. Sec. 4. Nitro-glycerine or dynamite may only be kept or made by permission of the Mayor in writing, to be kept or made in such places and quantities as the Mayor in such permit shall authorize.

Penalty. Sec. 5. Any person violating this chapter or any provision thereof, shall forfeit and pay a fine to said city of not more than one hundred dollars.

CHAPTER XXIV.

INTOXICATING LIQUORS.

License, How Issued. Sec. 1. The Mayor of the City of Fort Wayne is hereby authorized to grant to any person, who shall have first obtained a state license to sell intoxicating liquors, a city license to sell intoxicating liquors in a less quantity than a quart at a time, upon such person making application therefor, and first depositing in the city treasury for the use of said city, the sum of fifty (50) dollars, which said license shall run for the period of one year, and shall designate therein the place at which such sale may be made. Said license shall issue under the corporate seal of said city, and be signed by the Mayor and countersigned by the City Clerk.

Unlawful to Sell. Sec. 2. It shall be unlawful for any person to sell within the limits of the City of Fort Wayne, or within the distance of two miles therefrom, any intoxicating liquors in a less quantity than a quart at a time, without having a city license first so to do.

Penalty. Sec. 3. Any person who shall violate any provision or section of this chapter, shall, upon conviction, forfeit and pay a fine of not less than one hundred dollars.

CHAPTER XXV.

INTELLIGENCE OFFICES.

License Required. Sec. 1. No person shall establish or keep any intelligence office within the City of Fort Wayne, for the purpose of obtaining

places or employment for domestic servants or other laborers, or procuring or giving information concerning such places for, or to such domestic servants or laborers, or for procuring or giving information concerning such domestic servants or laborers for, or to employers, without a license as hereinafter provided.

How Issued. Sec. 2. The Mayor of said city is hereby authorized to license any person or persons, being a resident or residents of said city, over twenty-one years of age, to keep an intelligence office as aforesaid, upon such person giving bonds to the city, to be approved by the Mayor, in the penal sum of two hundred dollars, conditioned for the faithful observance of all ordinances of the city, and upon payment of ten dollars to the City Treasurer for the use of the city.

Imposition or Fraud. Sec. 3. Any person keeping an intelligence office, as aforesaid, with or without license, or who shall violate any of the provisions of this chapter, or directly or indirectly, or through any agent or other person or persons, make use of any device, deceit, false representation, false pretence, or any imposition whatever, for any improper purpose or for the purpose of obtaining a fee, money, gratuity or other thing of value, from any customer, person or persons, or patron or patrons, shall, on conviction, forfeit and pay a fine of not more than one hundred dollars.

Penalty. Sec. 4. Any person keeping or maintaining an intelligence office, without a license from said city so to do, shall forfeit and pay a fine of not more than one hundred dollars.

CHAPTER XXVI.

LICENSES.

Requirements of License. Sec. 1. All licenses which may be issued under any ordinance of the Common Council, shall be subject to the ordinances and regulations which may be in force at the time of issuing thereof, or which may be subsequently made by the Common Council; and if any person so licensed, shall violate any of the provisions thereof, he shall be liable to be proceeded against for any forfeiture, fine or penalty imposed thereby, and his license shall be subject to be revoked in the discretion of the Mayor or the Common Council.

Not Transferable. Sec. 2. No license granted under any ordinance shall be assignable or transferable, nor shall any such license authorize any person to do business or act under it, but the person named therein, unless, such ordinance shall otherwise provide.

Limitation and Discretion of Mayor. Sec. 3. No license shall be granted at one time for a longer period than one year, and all licenses shall be signed by the Mayor and countersigned by the Clerk under the corporate seal; and in all cases where it is not otherwise expressly provided, the Mayor shall have power to hear and grant applications therefor, upon the terms specified by the ordinances of the city; and all licenses shall be issued to such person or persons as shall comply in all respects with the different provisions of the ordinances of the city, and as the Mayor, in his discretion, shall deem suitable and proper persons to exercise the occupation for which the applicant asks license.

For What Granted. Sec. 4. Licenses may be granted by the Mayor, as hereinafter provided, upon application therefor under the provisions hereof, for any of the purposes in section four (4) set forth, upon the payment into the city treasury (and producing to the Mayor the City Treasurer's receipt, which receipt shall be filed in the office of the City Clerk), of the several sums for the following described occupations as follows, to wit:

For each and every entertainment given in a public hall, one dollar per night, except in cases of variety shows, which shall pay per night, the sum of from one to five dollars, as the Mayor may fix.

For any first-class circus exhibition, each day one hundred dollars; and for any other circus, the amount of the license shall be determined and fixed by

the Mayor. Such circus licenses shall not include any exhibition known as "side-shows," whereat a separate admission fee is charged.

For each and every "side-show," per day, five dollars.

For any medicine vender, such sum per day, between one and five dollars, as the Mayor shall fix.

For each and every "prize dealer," per day, twenty-five dollars.

For skating rinks, for one year, twenty-five dollars; for a less period, per month, five dollars.

For each striking or lifting machine, lung tester, swing, telescope or other like contrivance or device, shall be charged from one to ten dollars as the Mayor shall determine and fix.

Record to be Kept. Sec. 5. The City Clerk shall keep a record of all licenses issued, in a book to be kept for that purpose.

Penalty. Sec. 6. Any person who shall violate any or either of the provisions of this chapter, or who shall neglect or fail to comply with any or either of the requirements thereof, shall, on conviction, forfeit and pay a fine of not more than one hundred dollars.

CHAPTER XXVII.

MALFEASANCE OF OFFICERS.

Complaint Filed With Clerk. Sec. 1. Any complaint making charges against any member of the Common Council, or any officer of the city, shall be made in writing, specifying the grounds of such charges, and such complaint shall be signed and sworn to by the person making the same, and shall be filed with the City Clerk, and the same shall be by said Clerk reported to the Council immediately, if the Council is then in session, or if not in session, then at its next meeting.

Time for Trial, How Fixed. Sec. 2. The Common Council shall, if in its opinion the charges made are proper to be tried and investigated, fix a time for the trial of the same. A copy of the said charges, with a notice of the time fixed for such trial, shall be served on the accused at least five days before the time fixed for trial.

Charges How Tried. Sec. 3. That at the time fixed for such trial, or at such other time as the Council may adjourn to, the charges made in such complaint shall be tried before the Council. The accused shall have the right to be present and defend himself in person and by counsel. He shall be entitled to have from the Mayor, at his own cost, subpœna or other compulsory process, to compel the attendance of witnesses and the production of books and papers. It shall be the duty of the City Attorney, upon notice from the Common Council, to conduct such trial.

Officers Suspended During Trial. Sec. 4. If any charge as aforesaid shall be preferred against a member of said Council, he shall have no vote in any of the proceedings upon such charges; and if the Mayor be such accused party, the Council shall appoint a president from among their own body; and if against the Clerk, the Council shall appoint a Clerk "pro tem," to serve as such, until such charge shall be determined.

Two-third Vote to Establish Guilt. Sec. 5. After conclusion of the evidence and argument, if any, a *viva voce* vote shall be taken on each specification of such charge, when if two-thirds of all the whole number of said Council shall determine that the accused is guilty of such charge, or of any specification thereof, the offender shall be suspended, reprimanded or removed from his office, and sentence shall be pronounced by the presiding officer of the Council.

CHAPTER XXVIII.

MANURE GATHERERS.

License to Remove. Sec. 1. It shall be the duty of the Common Council, on the first regular meeting in February of each year, or as soon thereafter as the Common Council shall order, to license to the highest bidder,

after notice for sealed proposals therefor, the privilege of removing manure from private premises and public alleys for the ensuing year, and for such purpose, each ward in the city shall constitute a district, and the persons receiving such license shall give a bond to said city of one hundred dollars, for the faithful discharge of their duties.

Remove Every 36 Hours. Sec. 2. It shall be the duty of each person so licensed, to remove or cause to be removed, every 36 hours, all manure found in any alley or public place, and all manure upon private premises, except in case the owner shall desire to use or remove the same himself.

Alleys Left Clean. Sec. 3. The same shall be removed in accordance with the city ordinances, and the alley left in such a manner as to leave it clean, and no scattered manure therein.

Right to Remove. Sec. 4. No person shall have the right to remove any manure from any alley or public place, except a person licensed as above so to do.

Unlawful to Place Rubbish. Sec. 5. It shall be unlawful for any person to throw or place in any public alley, any rubbish, trimming, ashes, chips or any other article or thing, except manure, as above specified.

Penalty. Sec. 6. Any person violating any provision of this chapter, shall forfeit and pay a fine of not more than one hundred dollars.

CHAPTER XXIX.

MARKETS.

Where Held. Sec. 1. The building and space heretofore used as a public market in said city, shall hereafter be used and occupied as such, subject to the following provisions in this ordinance contained:

When Held. Sec. 2. All articles intended and held for sale in said market and market house, shall be offered for sale on the mornings of Tuesday, Thursday, and Saturday of each week.

Market Hours. Sec. 3. Said market shall be opened on the days aforesaid, from daylight till 10 o'clock of the forenoon of each of said days.

Appoint Market Master. Sec. 4. Said Council shall annually, at their first regular meeting in May, appoint a suitable person as Market Master, to serve for one year, or until replaced by a successor.

Market Master to Qualify, Etc. Sec. 5. Said Market Master shall take an oath, faithfully to discharge the duties enjoined on him by this ordinance, and shall execute a bond, with sufficient surety, in the sum of one thousand dollars, conditioned for the faithful performance of all of his duties, and the payment of all moneys received by him, according to law, which bond shall be approved by the Common Council, and filed with the City Clerk.

Duties of Market Master. Sec. 6. That it shall be the duty of said Market Master to superintend said market, and keep it thoroughly cleansed and in good order, and to report to the Common Council such repairs, improvements, or other alterations in or about such market, as he may deem necessary. He shall, at the hour fixed by this ordinance, in section three, for opening the said market on market days, open the same and be in constant attendance, and preserve good order during market hours. He shall see that no imposition is practiced by seller or buyer; cause the market vehicles to be so placed in the market space as best subserve the public generally; take charge of, and safely keep the weights and measures belonging to the city, for the market purposes only, neither using them, nor suffering them to be used, except for testing any weights or measures employed by sellers in such market. He shall prevent or remove all obstructions or nuisances ready to exist, or actually existing in the same; direct, arrange and adjust the stands and situations for the sale of all articles not sold from wagons, or rented stalls or stands; he shall especially see that all provisions of this or any other ordinance, passed in regard to said market, be faithfully complied with, and that all violations of the same, be prosecuted before the Mayor; and to enable

said Market Master to discharge the duties imposed on him hereby, he is hereby invested with the powers of a police officer of said city.

Rent of Stalls and Stands. Sec. 7. It shall be the duty of the Market Master, on the first Saturday of June in each year, to sell at auction at the market house, to the highest bidder for cash, the right to occupy each stall and stand in said market, for the ensuing year, for the purpose intended by such market, subject to all the provisions of this chapter. And it shall be the duty of said Market Master to give to each purchaser of such right, a certificate of such purchase, with the name of the purchaser, the amount paid, and the number of the stall or stand, and to pay over such moneys so received to the City Treasurer.

Rented Stalls not Used May be Assigned. Sec. 8. The renting of all stalls and stands as herein provided, is upon express condition that, upon all market mornings that any of said rented stalls or stands are not used for the purpose intended, it shall be lawful for the Market Master to assign any other seller the use of such stall or stand, while not used by the renter.

Rent Per Day of Unoccupied Stalls. Sec. 9. It shall be the duty of said Market Master, to assign to any person who shall desire it, for the purpose of selling his wares or produce, any stall or stand not rented or occupied, and collect therefor for the use of the city, ten cents per day.

Stalls Cleansed and Rubbish Removed. Sec. 10. That it shall be the duty of every butcher or occupant of any stall or stand in said market house, within twenty minutes after closing of the market, to cause his provisions and his vehicle to be removed from said market house, and his stall or stand to be thoroughly cleansed, and all animal or vegetable rubbish, there deposited by him, to be cleared away from such market house, and each butcher shall cause his blocks, benches, shelves and hooks to be scraped and cleansed, and prevent the same from becoming foul or offensive.

Unlawful to Purchase or Sell on Way to. Sec. 11. That it shall be unlawful for any person to purchase or sell, buy, contract or agree for the purchase of or sale of any meat, vegetables or other provisions, coming on the way to the market, or at said market, previous to the opening of the same by the Market Master, or to dissuade persons from bringing their provisions or vegetables there, or to pursuade any person to enhance the price of any provisions or other article when there.

Not to Re-sell. Sec. 12. That it shall be unlawful for any person to sell, or offer for sale, at either of said markets, any article or articles, meat or meats, vegetable or vegetables, or any other kind of marketable provisions whatsoever, which such person may have purchased at any place, while on the way to, or designed, or intended for, or whilst being at said market.

General Dealers Forbidden. Sec. 13. That it shall be unlawful for any grocer, provision dealer, or other person, to buy in either of said markets during the market hours, any article or thing whatsoever, for any use otherwise than that of his own family.

Weights and Measures. Sec. 14. That all articles usually sold by weight or measure shall be sold in said market by weight or measure, to be regulated by the established standard of the State of Indiana.

Custodian of Scales, Measures, Etc. Sec. 15. That said Market Master shall have in his keeping all scales, weights and measures, belonging to said City and used for market purposes, and deliver the same over to his successor.

Inspection of Weighing. Sec. 16. It shall be unlawful for any person to sell, or offer to sell, any article in market by weight, except by weighing the same with scales or weights approved by said Market Master.

False Weight. Sec. 17. It shall be unlawful for any person to sell, or offer to sell, any article in market by false weights, or by means of any scales or weights not governed by the standard of the state.

Shape of Dry Measure. Sec. 18. It shall be unlawful for any person to sell or offer to sell in market, any article by dry measurement, otherwise than in a verticle measure, or one of uniform circumference from bottom to top.

Butter Sales. Sec. 19. It shall be unlawful for any person to sell, or offer or expose for sale, at said market, any butter in lumps or rolls, unless each of said lumps or rolls be of some specified weight, and if any person shall sell, or offer, or exhibit as for sale, any such lumps or rolls at either of said markets, and on examination the same shall fall short of such specified weight, such lumps or rolls shall be forfeited to the city.

Meat Sales. Sec. 20. It shall be unlawful for any butcher to sell or offer for sale meat at, upon, along or in any street, alley or public place of the city, except at the market space on Barr street; and it shall be unlawful for any person to sell or offer for sale meat at, upon, along or in any of the streets, alleys or public places of the city, except the market space on Barr street, during market hours ; and it shall be unlawful for any butcher or other person to sell or offer for sale meat in a less quantity than a quarter at a time, at, upon, along or in any street, alley or public place of the city, except at the Barr street market, during market hours, and after such person shall have rented a stand or stall therein and paid the city the year's rent therefor for one year.

Confiscation. Sec. 21. It shall be the duty of said Market Master, whenever he may suspect or be informed that any butter or other article of provision or marketing, offered or exhibited for sale at said market and purporting to be a specified weight or quantity, is deficient in weight or measure, to try the same, and if upon such trial it should prove to be deficient in weight or measure, he shall seize the same for the benefit of the city, and sell it forthwith at public outcry at said market to the highest bidder, and pay the proceeds to the city.

Vehicles, Horses, Etc. Sec. 22. It shall be unlawful for any person or persons to permit or allow any cart, wagon, dray, or other vehicle, or any horse or other animal, to remain in the street or spaces in front of or around said market during market hours, except such vehicles and animals as may be employed in bringing provisions and other articles to and from said market, which animals and vehicles shall, while they remain at said market be under the direction of the Market Master ; and the owner or persons having charge of such vehicles and animals, respectively, shall place and arrange the same as the Market Master may direct.

Dogs Excluded From. Sec. 23. No dogs shall be permitted or allowed, within the established market hours, to come within the space belonging to said market house, unless fastened to a vehicle, owned or occupied by the owner of such dog, and if any such dog be found at large in such market ground during said market hours, and not tied or confined as herein provided, it shall be lawful for the City Marshal or Market Master, to destroy the same.

Animals, Hitching or Driving. Sec. 24. It shall not be lawful for any person to permit, or leave, any vehicle or animal to remain unattended upon the street or either side of the market house, or to hitch any animal to said market house, or to any appurtenance thereto, or to drive any animal or team upon the floor of or through the said market house.

Butcher, What Constitutes. Sec. 25. The word "butcher," as used in this ordinace, shall be taken to mean all persons who buy stock for the purpose of killing and selling out as meat, or any person who buys meat for the purpose of selling again at a profit.

Report Monthly. Sec. 26. It shall be the duty of said Market Master to report to said Council monthly all stalls and stands in said market and market house leased and occupied, with the names of such lessee or occupant, and all stalls and stands unoccupied, and the amount received therefor.

Penalty. Sec. 27. Any person who shall neglect any of the duties herein prescribed, or violate any provisions of this chapter, shall, upon conviction, forfeit and pay a fine of not more than one hundred dollars.

CHAPTER XXX.

NUISANCES.

Cattle Yards, Pens, Etc. Sec. 1. Any person who shall own, keep or use any yard, pen, place or premises within the City of Fort Wayne, in or upon which more than five cattle shall be confined or kept at any one time; and any person who shall own, keep or use any yard, pen, place or premises, in or upon which five, or a less number of cattle than five, shall be so kept, as to be offensive to those residing in the vicinity, or an annoyance to the public, shall be deemed guilty of maintaining a nuisance.

Slaughter Houses, Rendering, Etc., Etc. Sec. 2. Any person, who shall carry on or occupy any distillery, slaughtering establishment, tannery, or establishment for steaming or rendering lard, tallow, offal, dead animals or other substances of like nature, within the limits of the City of Fort Wayne, or within the distance of two miles therefrom, without the permission of the Common Council, to be granted in the manner hereinafter provided, shall be deemed guilty of maintaining a nuisance.

Permits and Licenses. Sec. 3. Any person desirious of obtaining a permit under the provisions of this chapter, shall make application therefor to the Common Council in writing, stating the business he is desirous of pursuing and specifying the premises whereon the same is to be conducted. If such application shall be granted, the applicant shall thereupon be required to enter into a bond with one or more sureties, to be approved by the Mayor, in the penal sum of not less than one hundred dollars, nor more than two thousand dollars, conditioned that the said applicant will faithfully comply with all the requisitions of this chapter, and such other ordinance or ordinances as may be hereafter passed by the Common Council on this subject; and upon the execution and delivery of said bond, it shall be the duty of the Mayor and Clerk to issue a license to the applicant under the corporate seal, which license shall continue in force for the period of one year from and after the date thereof, and no longer, and the Clerk shall keep a register of all licenses which shall be issued.

Offal, Etc., How Disposed of. Sec. 4. No person who shall obtain a license for any business, employment or purpose mentioned in the preceeding sections, or who shall conduct or carry on any such business or employment, within the limits of the city, or within the distance of two miles therefrom, shall place, cause or permit to be placed, or permit or suffer to remain on his premises as aforesaid, any blood, bones, offal, filth, still slops, or other offensive matter, for a longer period than twenty-four hours at any one time, from the first day of March to the first day of November in any year, nor exceeding forty-eight hours during any other part of the year; but the same shall be collected in tubs or vats, constructed to the satisfaction of the Board of Health, and removed, within the time specified above, to a distance of at least forty rods from any dwelling or public street or highway, in covered and tight boxes, and shall be then buried in the ground, and covered with a layer of earth at least twelve inches in depth, so as not to become a nuisance or matter of offense; and every such person shall, at all times, keep his premises in a clean, healthy, and inoffensive condition.

Offal, Manure, Etc., Deposited by Butchers, Etc. Sec. 5. No distiller, tanner, butcher, pork and beef packer, soap boiler, tallow chandler, dyer, livery stable keeper, or other person whatsoever shall cause or suffer, any offal, manure, rubbish, filth, still slops, or any refuse animal or vegetable matter, or any flow from any premises owned or occupied by him, or to be thrown into, deposited or left in any pond, hole or water course within the jurisdiction of the city, or in or upon any street, alley, public square, vacant lot, or river bank, within the limits of said city.

Putrid and Offensive Matter to be Buried. Sec. 6. No person shall permit or suffer any substance of the nature mentioned in the preceeding sections, which is liable to become putrid or offensive, or injurious to the public health, to remain on any premises owned or occupied by him, for a longer period than twenty-four hours at any one time, from the first day of March to the first day of November in any year, or exceeding forty-eight

hours during any other part of the year; but the same shall be removed and buried within the time above designated, in the manner and according to the requisitions prescribed in like cases in the fourth section of this chapter.

Rendering Tainted Lard or Tallow, Etc. Sec. 7. No person shall steam, boil, or in any way render any offal, tainted or damaged lard or tallow, or steam or render any animal substance in such a manner as to occasion an offensive smell, or which will, by undergoing such process, so taint the air as to render it unwholesome or offensive to smell, within the limits of the city or within the distance of two miles therefrom.

Soap Factory, Tannery, Etc., Not to be Offensive. Sec. 8. No owner or occupant of any tallow chandler's shop, soap factory, tannery, distillery, livery stable, cattle yard or shed, barn, packing house, pig pen, slaughter house, or rendering establishment, shall suffer the same to become nauseous, foul, or offensive.

Owner to Keep Premises Clean. Sec. 9. No person shall own, occupy, or keep any grounds or other premises in such condition as to be offensive and a nuisance to the neighorhood.

Cellars, Vaults, Etc. Sec. 10. No person shall suffer or permit any cellar, vault, private drain, pool, privy, sewer or sink, upon any premises belonging to or occupied by him, to become nauseous, foul, offensive or injurious to the public health.

Marshal, Etc., Report to Attorney and Mayor. Sec. 11. For the purpose of carrying the foregoing provisions into effect, it shall be the duty of the City Marshal, the Street Commissioner, and each of the members of the police force, to ascertain from time to time, all violations of this chapter, and report to the City Attorney and Mayor for prosecution, all such violations; and for this purpose they shall be permited, at all times, to visit or enter into or upon any building, lot or grounds, within the limits of said city, or within the distance of two miles therefrom, and make examination thereof.

Proceedings to Abate. Sec. 12. In all cases where a nuisance shall be found in any building, or upon any ground or other premises within the limits of said city, or within the distance of two miles therefrom, not more than twenty-four hours and not less than five hours notice shall be given in writing signed by the City Marshal, or by the Captain of the police, or by any member of the Board of Health to the owner or occupant of such building or other premises, where he is known and can be found, to remove such nuisance, and in case of his refusal or neglect to abate the same in accordance with such notice the Street Commissioner shall remove, or cause the same to be removed, and the expenses which may be incurred in the removal thereof, shall be reported by the Street Commissioner to the Common Council, giving a description of the lots or other premises liable therefor, and the amount for which each is chargeable. The Common Council shall thereupon assess the said expenses by resolution upon such lots, respectively. Thereupon the City Treasurer shall demand payment thereof from the several parties against whom said assessment shall be made. In case any of the owners of said lots or premises on which such assessments have been made, shall fail or refuse, for the space of twenty days after the date of the assessment by the Common Council, to pay the amount thereof due by such person to said city, it shall be the duty of said Treasurer, on behalf of said city, to file his affidavit in the Clerk's office of said city, stating that the whole or some part of said assessment, showing the amount paid and the amount due, remains unpaid, that the estimate or expense thereof has been duly made, and that the work estimated has been done. It shall be the duty of the Clerk at the next meeting of the Common Council, to report the said affidavit to the said Council, whose duty it shall be to cause a precept to issue for the collection of such assessment, or any unpaid balance thereof, in accordance with the provisions contained in section 68 of the City Charter, and acts supplemental and amendatory thereto.

Penalty. Sec. 13. Every person being the occupant or owner of any outhouse, shed or grounds, who shall fail to obey any order or direction of the Common Council of the City of Fort Wayne, or of the Board of Health or Secretary of said Board of said city, for the removal or abatement of nui-

sances, to carry out and enforce sanitary regulations within said city, or within the distance of two miles beyond the corporate limits of the same, shall, on conviction thereof, forfeit and pay any sum not exceeding one hundred dollars.

CHAPTER XXXI.

OFFENSES.

Bathing. Sec. 1. No person over the age of twelve years, shall bathe or swim in any river between the bridge across the St. Marys river, at Spy Run avenue, on the east, and the bridge across said river on the west, at Main street, during daylight and while naked.

Noise and Disorder. Sec. 2. It shall be unlawful for any person to make any noise, disorder or tumult to the disturbance of the peace of the city, or to the annoyance of any of its inhabitants, or to permit such noise, disorder or tumult to be made in or about his house or premises.

Indecent Plays. Sec. 3. It shall be unlawful for any person to perform any indecent, immoral or lewd play or representation.

House of Ill Fame. Sec. 4. It shall be unlawful for any person to keep or maintain, or be an inmate of, or in any way contribute to the support of any disorderly house, or house of ill fame, or place for the practice of fornication, or be interested, as proprietor or landlord, of any such house.

Begging. Sec. 5. It shall be unlawful for any person, within the limits of the city, or within the distance of two miles therefrom, to wander in the public streets,or in any place of public resort, to beg or gather alms, or cause, or procure or encourage any child or children so to do.

Kite Flying. Sec. 6. It shall be unlawful for any person to fly a kite, or use any sport or exercise likely to scare horses, injure passengers, or embarrass passage of vehicles, in any street or alley of the city.

Throwing Stones. Sec. 7. It shall be unlawful for any person to throw or cast, any stone or other missile, upon or in any street, avenue, alley, lane, public place, or inclosed or uninclosed ground in the city, or aid or abet the same.

Cellar Doors and Gratings. Sec. 8. It shall be unlawful for any person to keep or leave open any cellar door, or grating of any vault, on any street or sidewalk, or suffer the same to be left or kept open.

Encroachment on Sidewalks, Shade Trees, Etc. Sec. 9. It shall be unlawful for any person to hitch any horse or other animal without securing the same, so that it cannot go upon or over any sidewalk, or to hitch any animal to any shade or ornamental tree, awning, post or lamp-post in said city; and it shall be unlawful for any person to leave any horse, horses or other animals, attached to any vehicle, in any of the streets, alleys or lanes of the city, without securely fastening such horse, horses or other animals.

Obstruction of Crossings Sec. 10. It shall be unlawful for any person having the care or control of any dray, cart, wagon, carriage or other vehicle, or for any person on horseback, to allow or cause the same to be stopped, or to stop over, across or on any street crossing, foot-path or sidewalk, on any street or alley of the city.

False Alarms. Sec. 11. It shall be unlawful for any person, willfully, to give or make a false alarm of fire, or watch, or to employ any bell-man, or use or cause to be used, any bell, horn, bugle, or other sounding instrument, or to employ any device, noise or performance, tending in either case, to the collecting of persons on the streets, sidewalks or other public places, to the obstruction of the same, for any purpose whatever.

Milk, Adulteration of. Sec. 12. It shall be unlawful for any person to sell, offer to sell, or dispose of, impure, unwholesome, adulterated or diluted milk in said city.

Defacing Posters. Sec. 13. It shall be unlawful for any person to pull down, deface or destroy any written or printed notice, advertisement, or bill, posted up at any place in the city, which said notice, advertisement or bill,

has been so posted by permission of the owner or person having control of the place whereon such posting is made.

Molesting City Officers. Sec. 14. It shall be unlawful for any person to resist or molest any city officer in the the execution or performance of his official duty.

Personating City Officers. Sec. 15. It shall shall be unlawful for any person falsely to personate any police officer, or any other officer of said city, or to wear or display any star or badge pertaining to any officer of said city.

Saloons. Sec. 16. It shall be unlawful for any person to keep open any tippling house, or any bar or place where intoxicating liquors are kept, between eleven o'clock p. m. and five o'clock a. m., within the limits of said city, or within the distance of two miles thereof.

Discharge of Firearms. Sec. 17. It shall be unlawful for any person to fire or discharge any common gun, fowling piece, pistol or firearms of any description, or fire, or explode or set off any squib, cracker, or any other thing containing powder, or other combustible or explosive material, without permission from the Common Council, or written permission from the Mayor; which permission shall limit the time of firing, and shall be subject to be revoked by the Mayor or Common Council at any time after it has been granted.

Rate of Speed. Sec. 18. No person shall engage in horse racing, or ride or drive any animal at a speed faster than five miles per hour, while in, on or along any of the streets of the said city.

Playing on Sunday. Sec. 19. It shall be unlawful for any person, or persons, to play at ball, or cricket, or any other noisy game, on the first day of the week, called Sunday, within the limits of the city of Fort Wayne.

Hauling of Rubbish. Sec. 20. It shall be unlawful for any person or persons to convey, or transport, over any of the streets in said city, which may have been, or shall hereafter be, macadamized, or paved with stone or other material, any dirt, earth, gravel, manure, chips, or shavings, or other loose materials, unless the wagon, or other vehicle, containing such materials, has a box with a tight bottom, with the ends thereof closed, so as to prevent said materials, or any of them, from falling upon such pavement.

Hauling of Slops. Sec. 21. It shall be unlawful for any person to carry, or haul, upon, along or over any street or alley of the the city, any slops, manure or filth, unless it is contained in a tight or closed box or vehicle, so that the same cannot fall upon any such highway, or be offensive to the inhabitants of said city.

Vehicles on Sidewalks. Sec. 22. No person shall run, drive or propel, any wheelbarrow, go-cart, velocipede, bicycle or tricycle upon or across any sidewalk within said city.

Animals. Sec. 23. It shall be unlawful for any person to keep, harbor or have any swine within the limits of the city of Fort Wayne.

Speed of Cars. Sec. 24. It shall be unlawful to drive, run or propel, any locomotive engine or railroad car, upon or over any railroad track, within the city limits, at a greater rate of speed than six miles an hour.

Keep Off Fire Apparatus. Sec. 25 It shall be unlawful for any persons other than members of the fire department, of said city, to ride upon or hang on any engine, hook and ladder truck, hose carriage or other fire apparatus, while going to or returning from any fire or fire alarm.

Keep Off Street Cars. Sec. 26. It shall be unlawful for any person other than passengers or employes, to get on or off, or to swing on, or hang on from the outside of any street car, while the same is in motion.

Portable Engines. Sec. 27. It shall be unlawful for any person to propel or drive with steam, upon, across or over any of the streets or alleys of the city, any portable steam engine.

Privy Vaults. Sec. 28. It shall be unlawful for any person to build, or cause to be built, within the limits of said city, any privy vaults, or to use for

such purpose any vault, unless the same is built of brick, stone or metallic substances, and made water-tight, and not less than four feet deep.

Police Whistle. Sec. 29. It shall be unlawful for any person, other than a police officer, of said city, to blow a police whistle within the corporate limits of said city.

Trespass on Lots. Sec. 30. It shall be unlawful for any person to enter the lot or premises of another without having the consent of the person in possession of such lot or premises, unless such entry be made for legitimate business purposes.

Injury to Real Estate. Sec. 31. It shall be unlawful for any person to enter upon, or injure, or cause to be injured, any grass plat or lawn, flower bed or garden, upon the lot or premises of another, whether such lot or premises be inclosed or uninclosed.

Electric Light Tower. Sec. 32. It shall be unlawful for any person to hang to, or climb upon any electric light tower or pole.

Barb Wire Fences. Sec. 33. It shall be unlawful for any person to erect or maintain any fence separating lots or real estate from any sidewalk, street or alley, any part of which is made from barbed wire.

Signs and Banners. Sec. 34. It shall be unlawful to put up or maintain, or suffer to be put up or maintained, any sign, banner or streamer, or other device for advertising or other purpose, by suspending the same across any street or alley within the city.

Slaughtering Animals. Sec. 35. It shall be unlawful to kill any animal within the city limits, except at slaughter houses legally existing at the time of the taking effect of this ordinance.

Signs. Sec. 36 It shall be unlawful for any person to put up, or maintain, any sign which shall project over any sidewalk in said city more than four feet from the building line of the street, or the the lowest part of which sign shall be less than eight feet above the ground.

Protecting Excavations. Sec. 37. It shall be unlawful for any person to excavate earth in, or near, any street or alley, or other exposed place, without having, without delay, protected the sides of the excavation against accident to persons or animals passing near the same.

Put Out Lights. Sec. 38. It shall be unlawful for any person, without competent authority, to light or extinguish any electric, gas or other light used by said city.

Shoeing of Horses. Sec. 39. It shall be unlawful to shoe any horse upon, or in, any street or alley of the city.

Sidewalks. Sec. 40. It shall be unlawful for the owner of any building or lot, to permit the sidewalk abutting thereon to become and remain out of repair, so as to become dangerous and unsafe for passage upon and over.

Licensed Sewer Bnilder. Sec. 41. It shall be unlawful for any person to make any connection with any finished sewer or drain, or their lateral connections, until he shall have first obtained from said city a license as a competent man, so to do.

Permit to Excavate. Sec. 42. It shall be unlawful for any person to dig or excavate any street or alley, for the purpose of laying any gas or water pipe, without having first obtained the written permissiou of the Committee on streets, or the Common Council, so to do.

Nuisance on Premises. Sec. 43. It shall be unlawful for any person to permit any cellar, vault, drain, privy or grounds upon any premises belonging to, or occupied by him, to become foul, offensive or injurious to public health.

Fire Precautions. Sec. 44. It shall be unlawful to connect any pipe of any stove, or other heating apparatus, to any chimney or flue, unless such chimney or flue is made of brick or stone.

Stables. Etc. Sec. 45. It shall be unlawful to take, place, carry or keep, any light in any stable, or other place or building, where hay, straw or other combustibles shall be kept, unless such light shall be secured in a lantern.

Personating Firemen. Sec. 46. It shall be unlawful for any person not a member of the fire department, to personate a fireman or officer at a fire, or in going to or retiring from an alarm of fire.

Ashes. Sec. 47. It shall be unlawful for any person to place or keep ashes in any barrel, box or other wooden vessel, or on any wooden floor of any building.

Loitering Sec. 48. It shall be unlawful for three or more persons at a time, they not being then and there necessarily engaged, to gather and collect in a body upon any of the streets or sidewalks of said city, and there loiter, loaf, and idle their time.

Lamp Posts. Sec. 49. It shall be unlawful for any person to climb upon, hitch any horse or other animal to any public lamp post, or hang or place any goods, boxes, wood or any other materials upon or against the same.

Runing at Large of Fowls. Sec. 50. It shall be unlawful to permit chickens, turkeys or ducks to run at large.

Chickens. Sec. 51. It shall be unlawful for any person to keep or maintain any coop in which chickens, ducks or turkeys are kept, within a distance less than fifty feet from any dwelling.

Bees. Sec. 52. It shall be unlawful for any person to keep within the limits of the city, more than two hives of bees upon any one lot at a time, and said hives must not be nearer than fifty feet to any street, or twenty feet to any alley, or division line between lots or parts of lots of another.

Penalty. Sec. 53. Any person who shall violate any or either of the provisions of this chapter, or any section, clause or provision of any section of this chapter, or who shall neglect or fail to comply with any or either of the requirements thereof, shall, on conviction, forfeit and pay a fine of not more than one hundred dollars.

CHAPTER XXXII.

ORDINANCES.

Record and Proof of Publication. Sec. 1. All ordinances passed by the Common Council shall be recorded by the Clerk in a book of ordinances. The original shall be filed in the Clerk's office, and due proof of publication of all ordinances, requiring publication, by the affidavit of the printer or publisher, shall be procured by the Clerk and attached thereto, or written and attested upon the face of such ordinances.

Take Effect. Sec. 2. All ordinances passed by the Common Council, requiring publication, shall take effect from and after the due publication thereof in the corporation paper, unless, therein otherwise expressly provided. Ordinances not requiring publication, shall take effect from their passage, unless, otherwise expressly provided.

Repeal. Sec. 3. Whenever any ordinance or part of an ordinance shall be repealed or modified by a subsequent ordinance, a part of an ordinance thus repealed or modified, shall continue in force until the due publication of the ordinance repealing or modifying the same, when such publication shall be required to give effect thereto, unless therein otherwise expressly provided; but no suit proceeding, right, fine, forfeiture or penalty, instituted, created, given, secured, or accrued, under any ordinance previous to its repeal, shall in anywise be affected, released or discharged; but may be prosecuted, enjoyed, and recovered, as fully as if such ordinance had continued in force, unless it shall be therein otherwise expressly provided.

Prosecutor to Elect. Sec. 4. In all cases where the same offense may be made punishable, or may be created by different clauses or sections of the ordinances of the city, the prosecuting officer may elect under which to proceed; but not more than one recovery shall be had against the same person for the same offense.

How Construed. Sec. 5. When any ordinance repealing a former ordinance, clause, or provision shall be itself repealed, such repeal snall not be construed to revive such former ordinance, clause, or provision, unless it shall be therein so expressly provided.

Gender and Number. Sec. 6. When any words in any ordinance, importing the plural numbers shall be used in describing or referring to any matters, parties or persons, any single matter, party or person shall be deemed to be included, although distributive words may not be used; and when any subject matter, party or person shall be referred to in any ordinance by words importing the singular number only, or masculine gender, several matters, parties or persons, and females as well as males, and bodies corporate, shall be deemed to be included. *Provided*, That these rules of construction, shall not be applied to any ordinance which shall contain any express provision excluding such construction, or where the subject matter, or context of such ordinance, may be repugnant thereto.

Time of Notice. Sec. 8. In all cases where any ordinance shall require any act to be done in a "reasonable time," or, "reasonable notice" to be given to any person, such reasonable time or notice shall be deemed to mean such time only as may be necessary in the prompt execution of such duty, or compliance with such notice.

Penalty. Sec. 7. Whenever, in any ordinance, the doing of any act, or the omission to do any act or duty, is declared to be a breach thereof, and there shall be no fine or penalty declared for such, any person who shall be convicted of any breach, shall be adjudged to pay a fine of not less than one, nor more than one hundred dollars.

CHAPTER XXXIII.

PARTITION FENCES.

Cost and Expense. Sec. 1. That unless otherwise especially agreed upon by the parties, partition fences in said city, dividing lots or parts of lots or tracts of land used and occupied on both sides, shall be built and maintained at the cost and expense of both parties.

Notice. Sec. 2. If either party shall fail to do so, the other party may give him fifteen days notice to build or repair his share of said division fence.

Fail to Comply. Sec. 3. If the party to whom such notice is given, shall fail or refuse to build or repair his share of said fence, within the time specified in said notice, the complainant may do so, and in that case, he shall have his action against the other party for the cost of building or repairing such share of said fence, with ten (10) per cent. damages thereon.

Material and Style. Sec. 4. Such division fence shall be made of the materials and in the style as such fences are usually constructed in the vicinity thereof.

Pay Half. Sec. 5. When, by the inclosure of uninclosed lots or lands, a a fence already erected shall become a partition fence, the person making such inclosure, shall pay to the owner of such fence, the value of one-half of the same at the time of making such inclosure.

Encroachment. Sec. 6. When any person by mistake, shall have erected a fence on the lot or lands of another, and when, by a line legally determined, such fact is ascertained, such person shall have the right to enter upon such premises and remove the fence to the line so legally determined, doing no unnecessary injuries to the premises.

CHAPTER XXXIV.

PARTY WALLS.

Viewers. Sec. 1. The Common Council of said city shall annually elect three persons to view and estimate the value of party walls, hereafter to be built within the city, who shall hold their office for the term of one year from and after their election, and until their successors are elected and qualified.

Notice of Meeting. Sec. 2. Before such viewers shall proceed to view and estimate the value of any such party wall, they shall make out and sign a written notice, specifying the time and place, when and where, such view

and estimate will be made, and also, a particular description of the lots or parts of lots, between which such wall is a partition, and deliver the same to the Marshal, who shall serve such notice personally, upon or by leaving a copy thereof at the residence or business place of the owner or owners of any lot or lots, or part of lot, upon the line of which such wall is built, which notice, with the fact and manner of such service, shall be returned forthwith to the City Clerk, who shall file and preserve the same in his office.

Service. Sec. 3. Every notice required by the second section of this ordinance, shall be served in the manner therein pointed out, at least three days before the time fixed by such viewers, for the view and valuation of such party walls.

Publication. Sec. 4. Whenever it shall be made known to said viewers by the Marshal's return to any such notice, or by other means whatever, that the owner or owners of any lots, lot or part of lot, upon the line of which any such party wall is erected, is or are non-residents of the County of Allen, and there is no agent of such owner or owners residing in said city, it shall be the duty of said viewers to notify such owner or owners by publication for three successive weeks in some newspaper printed in the city, of the time and place, where and when such view and valuation will be made; and a copy of such printed notice, with the affidavit of the proprietor or publisher of such newspaper attached thereto, shall be deposited with the City Clerk, to be by him filed and preserved.

Meeting of Viewers. Sec. 5. Said viewers, after having given notice as aforesaid, shall meet at the time and place appointed, and proceed to view and value such party wall, and they shall have power to adjourn from day to to day, until they shall have completed such view and valuation; and when the same is completed and reduced to writing, and verified by the affidavits of such viewers, or a majority of them, such report and valuation shall be final and conclusive.

Specifications. Sec. 6. It shall be unlawful for any person or persons about to build any stone or brick house, of any kind, on any piece or parcel of ground, within the City of Fort Wayne, which is bounded on any side or end by the private property of any other person or persons, to build his, her or their wall or walls, on any line dividing his, her or their grounds from that which adjoins it as aforesaid, placing such wall lengthwise along said line, and one-half of such wall, on each side of said line, as the same may be fixed by the City Engineer; and when any such wall shall be so built, of brick or stone, of the height, depth, breadth, and thickness, and in the manner and of the quality of materials prescribed by the ordinances of the city, it shall be a party wall, and the persons owning the ground on either side thereof shall have the right to use the same in any lawful manner, *Provided*, That no person, other than the person building such wall, shall be compelled to maintain and keep the same in repair, or to pay any part of the expenses of building, repairing or maintaining the same, until such wall, or some part thereof, shall be used by such other person, by attaching another house to it, or making it constitute one side or wall, or a part of one side or wall of another house of some kind, erected on the ground adjoining that of the person who erected such wall. And when any person other than the person who may have erected any such party wall, may desire to use such wall by attaching another house of any kind to it, or by making such party wall part of such house, such person so desirous to use such wall shall first pay to the person or persons who built the same, or his or their heirs and assigns, one-half of the full value of such wall, if the same be demanded by the person entitled thereto; and after such demand is made, no person shall attach any other house to such party wall or proceed any further in erecting or building the same, or commence or proceed any further in erecting or finishing any such other house, of which said party wall will in anywise form a part or one wall, or a part of a wall thereof, without first paying to the person or persons, who built such party wall, or his or her or their heirs or assigns, one-half of the full value of each party wall; and in case the parties interested cannot agree, then either party shall call upon the said viewers, to view and estimate the value of said party wall.

Pay of Viewers. Sec. 7. Such viewers shall be paid by the respective parties three dollars per day each.

CHAPTER XXXV.

PAWNBROKERS.

Obtain License. Sec. 1. No person or persons shall carry on or conduct, the business or calling of a pawnbroker, within the City of Fort Wayne, without having first obtained a license so to do, under a penalty of any sum not exceeding one hundred dollars for each offense.

What Constitutes. Sec. 2. Any person who loans money on deposit or pledge of personal property, bonds, notes, or other securities, or who deals in the purchasing of personal property, or chooses in action, with intent of selling the same again, is hereby defined and declared a pawnbroker.

Give Bond. Sec. 3. The Mayor is hereby authorized to grant a pawnbroker's license to any person of good character, who may apply therefor, on the following conditions: The person so applying shall first pay to the Treasurer a sum of money in proportion to the sum of one hundred dollars per annum, for the time such license shall be granted, and shall execute a bond to the City of Fort Wayne, in the sum of five hundred dollars, conditioned that the said applicant will, in every particular, conform to the requirements of this chapter, and with the requirements or provisions of any ordinance hereafter to be passed concerning pawnbrokers, and thereupon, the Clerk shall issue a license in due form under the corporate seal, signed by the Mayor, and countersigned by the Clerk.

Limitation. Sec. 4. All such licenses, issued under this chapter, shall expire on the first day of June, next after the time of such issuing.

Register. Sec. 5. The Clerk shall keep a register of all licenses granted under this chapter, in which he shall record the name of the person licensed, the time of issuing, and the place of business of the person so licensed.

Books Kept. Sec. 6. Every person so licensed as aforesaid, shall keep at his place of business, a substantial and well bound book, in which he shall enter in writing a minute description of all personal property, bonds, notes, or other securities, received on deposit or by purchase, as aforesaid, the time when they were so received, and particularly mentioning any prominent or descriptive marks that may be on such personal property, bonds, notes or other securities, together with the name and residence of the person or persons by whom they were left, which said book shall be kept clean and legible, and no entry therein shall be erased, obliterated or defaced, and all the entries therein shall be made with ink. Every such licensed person, failing to comply with any of the provisions of this section, shall forfeit to said city any sum not exceeding one hundred dollars.

Officers May Inspect. Sec. 7. Every person or persons so licensed as aforesaid, shall during the ordinary hours of business, when requested by the Mayor, Marshal, Captain of Police, or any police officer of said city, submit and exhibit such book, as in sixth section provided for, to the inspection of said Mayor, or officer of the police department, and shall also exhibit any goods, personal property, bonds, notes, or other securities that may be so left with such licensed person, or which may be on his said premises, to the inspection of said Mayor or officer of the police department, and every such licensed person, refusing to submit said books, goods, personal property, bonds, notes or other securities, as aforesaid, upon request of the Mayor, or any officer of the police department of said city, shall forfeit to the City of Fort Wayne any sum not exceeding one hundred dollars.

Minors. Sec. 8. No person licensed as aforesaid, shall take or receive in pawn or pledge for money loaned, or shall take, receive or purchase, within the line of business of such pawnbroker, any article, property, or thing from any minor; or any article, property, or thing, from any person, the ownership of which property, article or thing is in, or claimed by any minor, the said pawnbroker knowing said article, property or thing to be owned or

claimed by such minor. Any person violating any or either provision of this section, shall, on conviction, be fined in any sum not exceeding one hundred dollars.

Revoke License. Sec. 9. Any person so licensed, violating any of the provisions of this chapter, or of any ordinance hereafter passed, concerning pawnbrokers, shall be subject, in the discretion of the Mayor, to have his license revoked.

CHAPTER XXXVI.

PEDDLERS.

License. Sec. 1. It shall be unlawful for any person to sell or offer for sale at retail, by sample or otherwise, or solicit orders or subscription for any goods, wares, books, papers or merchandise, upon, along, over or in any street or alley of the city, or by going from house to house for such purpose, without a license from the city so to do.

Cost of License. Sec. 2. The Mayor is hereby authorized in his discretion, to grant a peddlers' license to any person applying in writing for the same, upon the payment of twenty dollars per annum to the City Treasurer, and fees. Every application for license shall specify the kind and aggregate value, as near as may be, of the goods, wares, and merchandise, or article desired to be peddled, and also the mode of conveyance of the same, whether by cart, truck, hack, wagon or otherwise; and the license issued shall be granted for not less than three months, and said license shall be subject to be revoked by the Mayor or Common Council, in his or their discretion for any improper conduct on the part of the person so licensed, *Provided*, That a license to peddle books may be granted on payment of five dollars, and on fruits, nuts, cakes, refreshments, milk or bread, on payment of two dollars only; *Provided further*, The Mayor in his discretion, may issue a license to peddlers for a less period than three months, for such sum as he may deem best.

Fraud and Cheat. Sec. 3. No person licensed as aforesaid shall be guilty of any fraud, cheat, misrepresentation or imposition, while acting in the capacity of a peddler, or shall peddle any other kind of goods, merchandise or other article, or use any other kind of conveyance than that specified in his license, without permission of the Mayor.

Name and Number on Vehicle. Sec. 4. No person shall exercise the vocation of peddler by means of a wagon, cart or other vehicle, without having his name, together with the number of his license painted on the outside of his vehicle in letters and figures not less than one inch in length.

Penalty. Sec. 5. Any person who shall violate any or either of the provisions of this chapter, or any section, clause or provision of any section of this chapter, or who shall neglect or fail to comply with any or either of the requirements thereof, shall, on conviction, forfeit and pay a fine of not more than one hundred dollars.

CHAPTER XXXVII.

PETROLEUM AND OTHER DANGEROUS LIQUIDS.

How Kept. Sec. 1. It shall be unlawful for any person to store or keep for sale, within the corporate limits of the City of Fort Wayne, any crude petroleum, refined petroleum, benzine, camphene, spirit gas, burning fluid, or spirits of turpentine, exceeding a quantity of three barrels of fifty gallons each; and it shall be unlawful to keep for sale or in storage, any refined carbon oil, kerosine, or other product for illuminating purposes, of coal, rock or earth oils, excepting such refined oils as will stand a fire test of one hundred and ten degrees of Fahrenheit; and it shall be unlawful to keep any quantity of said articles exceeding one barrel of fifty gallons, in any part of the building except the cellar, the floor of which shall be five feet below the grade of the street in front of said building; and no crude petroleum, gasoline, naptha, benzine, carbon oil, camphine, spirit gas, burning fluid, or spirits of turpentine shall be kept or stored in front of any building, or on any street, alley, lot or

sidewalk, for a longer time than is sufficient to receive in store, or in delivering the same, *Provided*, such time shall not exceed six hours.

Storehouse. Sec. 2. It shall be unlawful for any person to use any building for the storing or keeping of any of the articles named in the first section in greater quantities than therein named, at a time, *Provided*, That the Common Council may in its discretion, permit such use whenever it shall be made to appear to the satisfaction of the Common Council by the plan of such building, its location with reference to other buildings, and its management that the same would not be dangerous to the citizens and their property if so used.

Lamps or Candles. Sec. 3. No person shall draw or handle any oil or fluid named in the first section of this chapter by lamp or candle.

Penalty. Sec. 4. Any person violating any provision of this chapter, shall, upon conviction, forfeit and pay a fine of not more than one hundred dollars.

CHAPTER XXXVIII.

PLAYING TABLES.

Keep for Gain. Sec. 1. No person shall have or keep for gain, within said city, or the distance of two miles therefrom, any billiard table, pool table, bagatelle, or pigeon hole table, pin alley, or shooting gallery.

Commutation Certificate. Sec. 2. Whenever any person shall pay to the City Treasurer, on or before the first day of June of each year, the sum of ten dollars, for each billiard, pool, bagatelle, or pigeon hole table, pin alley or shooting gallery, that he shall own or keep, the City Treasurer shall give such person a commutation certificate, stating the number of tables, alleys or galleries upon which such commutation is granted. Said certificate shall be a full discharge of any and all penalties due said city, under any ordinance of said city, relating to such tables, alleys or galleries, until the first day of June after its execution.

Penalty. Sec. 3. Any person violating any provision of this chapter, shall forfeit and pay a fine of not more than one hundred dollars.

CHAPTER XXXIX.

POLICE.

How Established. Sec. 1. There shall be established by a Board of Police Commissioners, consisting of the Mayor as President, and four members of the Common Council, selected by the Common Council, as hereinafter provided, a police force, consisting of one captain and one lieutenant and eighteen patrolmen.

Board of Police Commissioners. Sec. 2. At every first regular meeting of the Common Council in May of every year, there shall be elected by ballot, four members of the Common Council, who, with the Mayor as president, shall constitute said Board of Police Commissioners, whose duty it shall be to organize, by electing one of their number, as secretary of the Board of Police Commissioners.

Duties and Powers of Board. Sec. 3. They shall have power to make all appointments of officers, and members of such police; also to remove from office any officer or members of such police for neglect of duty, or for other good cause; *Provided*, That it shall be the duty of the said Board to discharge from the police force, any member who shall be found drunk or asleep while in actual service, between the hours of duty fixed by said Board.

Establish Rules. Sec. 4. It shall be the duty of the Board of Police Commissioners to establish such rules and regulations for the government of said police force from time to time, as in their judgment necessity may require for the protection and good government of the City of Fort Wayne, which rules and regulations, shall be subject to the approval of the Common Council.

Report to Council. Sec. 5. It shall be the duty of said Board to meet and consult once in every two weeks, as to the best method of regulating said police force, and report to the Council at least once in every month.

Vacancies, How Filled. Sec. 6. The Common Council shall have power to fill vacancies (by ballot), which may occur in said Board of Police Commissioners, and the members of said Board shall be subject to the laws and rules governing officers elected by the Council.

Compensation. Sec. 7. No member of the Board of Police Commissioners, shall receive any compensation as such member of said Board, except such as is allowed him as a member of the Common Council.

CHAPTER XL.

RAILROADS.

Speed. Sec. 1. No locomotive engine, railroad passenger car, or freight car shall be driven, propelled or run upon or along any railroad track within said city, at a greater speed than the rate of six miles per hour.

Crossings. Sec. 2. No railroad company, railroad engineer, train conductor, or other person, shall cause or allow any locomotive engine, car or cars, or train of cars, to stop or remain upon any street or railroad crossing, within said city, at which, by the provisions of this chapter, a flagman is ordered to be stationed and kept, for a longer period than five minutes, at any one time, nor upon any other street or railroad crossing in said city, for a longer period than ten minutes.

Uncouple at Crossings. Sec. 3. Should any street or railroad crossing in said city be and remain occupied and obstructed in whole or in part, by any train of railroad cars, for and during the period of five minutes, it shall be the duty of each and every railroad company, upon whose line of road such obstruction may occur, their agents or employes, on or before the expiration of said five minutes, when from any cause the entire train cannot be propelled or removed to any one side of the street occupied and obstructed as aforesaid, to cause such cars as may be on or near said crossing, to be uncoupled, and some one division of the train as thus made, removed from off the aforesaid street and railroad crossing, in such a manner as to leave said street entirely free and unobstructed; and said train when again coupled shall be removed forthwith from off any such crossing aforesaid.

Head Lights. Sec. 4. Every locomotive engine, railroad car, or train of cars, running in the night time on any railroad track in said city, shall have and keep while so running, a brilliant and conspicuous light on the forward end of such locomotive engine or train of cars.

Loading and Unloading. Sec. 5. No company, corporation or person shall be allowed to deposit or place in the street, any lumber or other material, nor shall they load any car from the street with any material deposited there; nor erect or maintain any switch house, or other building, upon any street, highway or alley within the city limits.

Blowing Whistles. Sec. 6. No railroad company shall cause or allow the whistle of any locomotive engine to be sounded within the city, except such as may be absolutely necessary, to prevent injury to persons and to property, other than their own, and that in their possession as freight.

Ring Bell. Sec. 7. The bell of each locomotive engine shall be rung continually while running in said city.

Sign Boards at City Limits. Sec. 8. Each railroad company shall erect at the entrance of such railroad within the city, a sign board, having thereon the words "stop speed, ring the bell," legibly painted thereon, and the same so erected.

Copies of Ordinance and Names of Employes Furnished. Sec. 9. Each superintendent of any railroad shall furnish each engineer and train conductor of any railroad running within the city, a certified or printed copy

of this chapter, and shall moreover furnish to any officer of said city applying therefor, the name of any person in the employment of said railroad company who shall have been charged with having violated any of the provisions of this chapter.

Blowing off Steam. Sec. 10. No railroad company shall cause or allow the cylinder cock or cocks of any or either of the several locomotive engines, to be opened so as to permit steam to escape therefrom, at any time while running upon or along any railroad track laid in any street, or when the engine is in the immediate proximity to any street or railroad crossing in said city; *Provided, however*, That when such engine shall be standing at such a point in said city, and for three revolutions of the driving wheel after being put in motion, the said cocks may be opened for the purpose of allowing condensed steam to escape.

Flagman. Sec. 11. All railroad companies, whose track or trains cross or intersect any of the following named streets at the points herein designated, to wit: on Hanna street, on Lafayette street, on Calhoun street, on Fairfield Avenue, and on Broadway, and at all street crossings where they shall be required so to do by the Mayor of the city, shall station, keep, and maintain at all times, at their own expense, at each and every one of said street and railroad crossings, a flagman, whose duty it shall be to signal persons traveling in the direction of any or either of the crossings aforesaid, and warn them of the approach of any locomotive engine or other impending danger.

Calhoun Street Crossing. Sec. 12. That it shall be unlawful for any railroad company or corporation, whose road crosses Calhoun street, in the city of Fort Wayne, to switch any of its cars over or across said street, or to allow any of its cars, engines, or hand cars, to stand upon the track where the same crosses said street, for a longer period than one minute at any one time.

Penalty. Sec. 13. Any railroad company or corporation, who shall by themselves, their agents, or employes, violate or fail to observe any of the foregoing provisions of this chapter; or any agent or employe of any railroad company or railroad corporation, or other person, who shall violate or fail to observe the same, shall for each violation or failure to observe the same, forfeit and pay a fine of not more than one hundred dollars.

CHAPTER XLI.

REMITTER.

Sec. 1. The Mayor of the City of Fort Wayne is hereby authorized to remit any fine assessed for a violation of the city ordinances, when in the exercise of a sound and reasonable discretion he may deem such remitter just and proper.

CHAPTER XLII.

SCHOOL TRUSTEES.

Report to Council. Sec. 1. The Trustees of the Public Schools of the City of Fort Wayne, shall render to the Common Council at its first regular meeting in the month of September, annually, a report in writing for the fiscal year ending August 31st, which report shall clearly and separately state, 1st. The amount of special school revenue and the school revenue for tuition on hand at the commencement of the year then ending; 2d. The amount of each kind of revenue received within the year, giving the amount of tuition revenue received at each semi-annual apportionment thereof; 3d. The amount of each kind of revenue paid out and expended within the year; 4th. The amount of each kind of revenue on hand at the date of said report to be carried to the new account; 5th. A detailed statement of the different amounts, and purposes for which the same was laid out and expended; 6th. The number and estimated value of the school buildings; 7th. The amount

of school furniture, and the estimated value of the same; 8th. The average number of teachers, not including those in the grammar schools; 9th. The average number of teachers employed in the grammar schools; 10th. The total number of persons, male and female, between the ages of six (6) and twenty-one (21) years, as shown by the last enumeration; 11th. The number enumerated, male and female, who are over fifteen (15) years of age; 12th. The total number of different pupils including those of the grammar school, who were at any time during the year enrolled in the public schools; 13th. The numbor of pupils at any time during the year in the grammar schools; 14th. The average number of pupils belonging to all the schools; 15th. The average daily attendance in all of the schools; 16th. The per cent. of daily attendance, based on the average whole number belonging to the schools; 17th. The cost of tuition per pupil, based on the average whole number belonging to the schools; 18th. The cost of tuition per pupil, including incidental expenses, such as fuel, repairs, maps, books, charts, and apparatus; 19th. The number of days the schools were in session.

Special Reports. Sec. 2. The said Trustees shall make special reports to the Common Council when the Common Council shall by resolution direct them so to do.

Penalty. Sec. 3. Upon the failure of said Trustees to render reports at the time and in the manner herein provided, each of them upon conviction thereof, shall forfeit and pay to the City of Fort Wayne, any sum not exceeding one hundred dollars.

CHAPTER XLIII.

SEAL.

Sec. 1. The seal heretofore provided and used by and for the City of Fort Wayne, (the impression on which is a representation of Mercury's Wand, entwined with two serpents on the right, a sword on the left, a pair of scales on the top, with the word "KE-KI-ON-GA," with the inscription "City of Fort Wayne, Indiana," around the outer edge of said seal; which seal, is hereunto annexed), shall be, and is hereby established and declared to have been and now to be the seal of the City of Fort Wayne.

CHAPTER XLIV.

SEWERS AND DRAINS.

Connections, How Made. Sec. 1. No connection with, or opening into any sewer or drain constructed by order of the city, shall be made except under the direction and supervision of the City Civil Engineer; at times and places prescribed by him, and in such manner as hereinafter provided. Any connection already made, or that may hereafter be made contrary to the provisions of this chapter, shall be removed, when required by said Engineer.

Extra Penalty. Sec. 2. Any person who shall make, permit, or cause to be made any connection with any sewer or drain contrary to the provisions of the foregoing section, shall, in addition to the penalty, hereinafter provided for violation of the provisions of this chapter, incur a further penalty of five dollars for each day that such forbidden connection shall remain after three days' notice from the City Civil Engineer to remove the same.

Permit from Engineer. Sec. 3. Before any connection can be made with any sewer, or extension of any connection previously made therewith, a permit must be obtained from the City Civil Engineer. All applications for

such permits must be made in writing by the owners or authorized agents of the property to be drained, and must be accompanied by a clear description of the premises, and of the drains required, stating the water closets, sinks, and other fixtures to be connected therewith, twenty-four hours previous to the opening of any street, alley or public place, for the purpose of making such connection.

Excavation For. Sec. 4. In opening any street, alley, or public place all material for paving or ballasting, must be removed with the least possible injury or loss of same, and together with the excavated material from the trenches, must be placed where they will cause the least possible inconvenience to the public. As little as possible of the trench must be dug until the junction of the sewer is found, unless it is first determined to make a new junction, and whenever required, sheeting and braces must be used to prevent caving; and in no case, except by express orders of the City Civil Engineer, shall the width of the excavation be less than twenty inches, or more than six inches greater than the outside transverse diameter of the pipe.

Material. Sec. 5. The material to be used in all private sewers and drains, shall be hard burned brick, salt glazed or vitrified clay pipe or galvanized iron, as may be determined by the City Civil Engineer, and no material shall be used in the construction of any private sewer or drain, unless previously approved by said Engineer.

Grade of Connections. Sec. 6. The least inclination that will be allowed for connections with water closets, kitchen and all other drains liable to receive solid substances, is one-half inch in two feet, and for cellar or other drains to receive water only, one-quarter of an inch in two feet.

Inlets, How Protected. Sec. 7. The inlets of all drains connected with water closets, sinks, downspouts, or catch-basins must be securely guarded against the introduction of sand, earth, or other solid substances by means of grates or other appliances, and all drains of whatsoever nature which shall be connected with any main or lateral sewer, must be provided with a suitable trap or catch-basin thoroughly trapped, and no privy vault shall be connected with such sewer, unless in the opinion of the City Civil Engineer, suitable arrangements are provided to thoroughly flush the same by the introduction of sufficient water from sinks, downspouts or other sources.

Backwater, How Guarded Against. Sec. 8. That for the purpose of protecting the sewers and drains in the city, and for the further purpose of protecting those whose premises are connected therewith from damages by overflow, or water setting back from such sewer, it shall be the duty of every person whose premises are connected with the sewers of the city, to provide a trap or check valve in said connection, so that water cannot flow back from said sewers through such connections.

Old Drains and Pipes Encountered. Sec. 9. Whenever it becomes necessary to disturb any old drain in actual use, it must in no case be obstructed without special orders from the City Civil Engineer, and in case a water or gas pipe is encountered, the question of passing over or under such pipe, or raising or lowering the drain, must be determined by said Engineer.

Party Not Assessed Pay Forty Dollars. Sec. 10. No owner or occupant of any premises not having been directly assessed for such premises in making said sewer, shall tap or drain into such sewer until he shall have complied with the provisions of this chapter and paid to the City Treasurer the sum of forty dollars, and no person shall be allowed to drain into the connection with such sewer of any other person, except by permission of the City Civil Engineer and as herein provided.

Permits. Sec. 11. The committee on sewers are hereby authorized to to grant such permits, as they deem proper, for allowing persons to tap the public sewers and drains and to make connections therewith, either directly or by tapping or using lateral sewers or drains connecting with a sewer or drain, whether public or private, in any street, alley or public place of the

city, for which such person shall pay before the issue of such permit, the sum of ten dollars; *Provided*, That such permit shall be granted only on the express condition that the owner or tenant for whose benefit such connection is made, and each successive owner or tenant thereof, shall in consideration of the privileges thereby granted and enjoyed, hold the City of Fort Wayne harmless from any loss or claims, that may in any way result from or be occasioned by such tap or connection.

License. Sec. 12. No person shall tap any public sewer or drain, or make any connection therewith, within the boundary lines of any street, alley or public place in said city, unless he shall be a "Licensed Sewer Builder," as hereinafter provided; and before any person shall construct any private sewer or drain on any premises outside of said boundaries in connection with any public sewer or drain, he shall obtain a permit from the City Civil Engineer.

Licensed Sewer Builders. Sec. 13. No person shall receive a license to become a "Licensed Sewer Builder" in said city, until he has furnished the Committee on Sewers, who shall sit as a board to determine such matters, with satisfactory evidence that he is a person in every way qualified to perform the duties which he undertakes, in a skillful and workmanlike manner; and previous to receiving such permit, the applicant thereof shall file a bond in such sum as may be designated by said Committee, not less however than one thousand dollars, with two or more sureties to be approved by the Mayor, conditioned that he will save harmless and indemnify the City of Fort Wayne from any loss or damage that may be occasioned in anywise by accident, whether by backwater or other cause, or want of skill or care on his part in the prosecution of such work, or that may be occasioned by reason of any opening made by him in any street, alley or public place, in the making of any connection with any public or private sewer, as aforesaid; that he will conform in all respects to the city ordinances and such rules and regulations as may from time to time be established by the Common Council and sewer department, in relation to laying private drains and connections, putting in junctions and tapping public sewers and drains; and that he will pay all fines and penalties which may be imposed on him for any and all violations of such ordinances, rules and regulations. Upon the filing of such bond, the City Clerk shall issue to the applicant a "Licensed Sewer Builders'" license in the same manner as provided for other city licenses. Said Clerk shall keep a register of all licenses issued under the provisions of this chapter, in which he shall record the name of the person licensed, time of issuing, and place of business or residence of same, and furnish a copy thereof to the City Civil Engineer.

Garbage, Etc. Sec. 14. No owner or occupant of any premises shall deposit or permit to be deposited any substance such as garbage, grease, rags, sand or earth, or any other such substances, in any of the sewers or drains of the city or the pipes or house drains, gullies or catch-basins connected therewith.

Injure or Obstruct. Sec. 15. No person shall willfully or maliciously damage, injure or obstruct any sewer or house drain, cesspool or water closet pipe or any other connection laid or constructed by or under the authority of the city.

Not Connect With Unfinished Sewer. Sec. 16. No person shall be permitted to drain into or make any connection with any public sewer or drain which may be in course of construction, and until the same has been fully completed and accepted by the Common Council.

Inspector. Sec. 17. All ordinances providing for the construction of sewers and drains in said city, shall provide that a competent person shall be appointed by the City Civil Engineer to inspect the work; and it shall be the duty of such inspector to see that all orders and directions of said Engineer are strictly obeyed by the contractor, and the terms of contract fully complied with. The compensation of such inspector shall be fixed in the order for any such improvement, and such cost and expense shall be added to the cost of said sewer, and assessed against the owners of the property benefited

thereby. Such inspector shall be paid weekly by the City Treasurer on order of the Clerk and on the certificate of the City Civil Engineer, and the contractor shall not be entitled to any estimate for such work, until he shall have repaid to said Treasurer a sum equal to any sum that shall have been paid such inspector on said work. And said Engineer shall keep a record of all such certificates, to whom, when, and upon what work allowed and the amount thereof, and no such inspector shall be appointed to inspect more than one sewer at the same time, and the City Civil Engineer shall be liable for any negligence or fault of any such inspector.

Penalty. Sec. 18. Any person who shall violate any or either of the provisions of this chapter, or any section, clause or provision of any section of this chapter, or who shall fail or neglect to comply with any or either of the requirements thereof, shall, on conviction, pay a fine of not less than five dollars nor more than one hundred dollars.

CHAPTER XLV.

SIDEWALKS.

Widths. Sec. 1. All sidewalks, which may be ordered by the Common Council, shall be constructed under the superintendence of the City Civil Engineer, and shall be of the widths herein specified, unless otherwise ordered by said Council, to wit: On streets sixty-six feet wide, twelve (12) feet; fifty feet wide, ten (10) feet; and on streets less than fifty feet wide, eight (8) feet. When built at full width, the outer edge shall be secured by setting stone curbing, not less than four inches thick and eighteen inches deep, on the outer edge of the sidewalk. All sidewalks on Calhoun street, from the New York, Chicago and St. Louis railway to the Pittsburg, Fort Wayne and Chicago railway; Columbia and Main streets, from Harrison street to Barr street; Berry street, from Calhoun street to Clinton street; and Court street, shall be constructed of good, sound flagging stone, and no other material shall be used on said streets for such purpose, except by express permission of the Common Council.

Grade Given by Engineer. Sec. 2. The grade for sidewalks shall be given by the City Civil Engineer, until a permanent grade shall be established by the Common Council. If any person shall build, or assist in building, any sidewalk when no grade has been established, or without first obtaining a grade therefor from the City Civil Engineer, or who shall build, or assist in building, any sidewalk contrary to any grade which may be hereafter established by the Common Council, or contrary to any of the provisions of this chapter, he shall in either case be subject to forfeit and pay ten dollars for every day of such offense, and to a like forfeiture and payment for every day he shall fail to remove or reconstruct the same, after notice by the Engineer.

Repairs. Sec. 3. Whenever any sidewalk, bordering on any lot, part of a lot or other tract of land in said city, owned by any person or persons, shall be out of repair, the Street Commissioner shall serve, or cause to be served, a notice on such owner or owners, to repair, raise, lower, or re-lay said sidewalk within five days from the time of receiving said notice, and on failure of said owner or owners to comply with said notice, said Street Commissioner shall report such action to the Common Council. It shall be the duty of all owners of lots, parts of lots, or lands, within the limits of the city, to keep and maintain the plat or portion of the sidewalks bordering on said lots, parts of lots, or lands, between the payed portion and the curb, of a uniform grade with said paved portion. If any such owner or owners shall fail or neglect to make such improvement, the Street Commissioner shall serve, or cause to be served, a notice on such owner or owners, to make such improvement of said sidewalks, within ten days from the time of receiving said notice, otherwise the same will be done by the city at the expense of said owners.

Street Commissioner Make Repairs. Sec. 4. In case the owner of any lot, part of a lot, or land, on any street or part thereof, fails or refuses to comply with the foregoing section, the Street Commissioner shall cause the

work to be done. Said Street Commissioner shall report to the Common Council the amount of said expenditure, giving a description of the lots, or other premises, liable therefor, and the amount for which each is chargeable, and the certificate of the City Civil Engineer attached, showing that said work has been properly done and brought to the established grade. The Common Council shall thereupon assess the said expenses, by resolution, upon such lots respectively. Thereupon the City Treasurer shall demand payment thereof from the several parties against whom said assessment shall be made. In case any of the owners of lots or parcels of land, on which such assessments have been made, shall fail or refuse, for the space of twenty days after the date of the assessment by the Common Council, to pay the amount thereof due from such person to the city, it shall be the duty of said Treasurer, in behalf of said city, to file his affidavit in the Clerk's office of said city, stating the amount of said assessment, showing the amount paid, and the amount due and unpaid, that the estimate thereof has been duly made, and that the work estimated has been done according to the provisions of this chapter. It shall be the duty of the Clerk, at the next meeting of the Common Council, to report the said affidavit to the said Council, whose duty it shall be to cause a precept to issue for the collection of such assessment, or any unpaid balance thereof, in accordance with the provisions contained in the city charter.

Cellar Doors. Sec. 5. No cellar door shall rise or project above the surface of the sidewalk more than one inch at the outer edge, nor more than two inches near the store or other building; nor shall the hinges thereof, or any other thing connected therewith, project or rise above the door; nor shall any staple, lock or other fastening be placed on the upper side thereof.

Awnings. Sec. 6. All awnings shall be constructed of cloth, and the frame shall be elevated at least eight feet, and the curtain seven feet, at the lowest part thereof above the sidewalk, and shall not project over the same to exceed three-quarters of the width thereof. They shall be supported without posts, by iron brackets, or by an iron framework attached firmly to the building, so as to leave the sidewalk entirely unobstructed thereby. All awnings heretofore erected, or which may be hereafter erected, contrary to the provisions of this section, shall be removed by the owner thereof after five days' notice from the Mayor or Marshal to such owner to remove the same; and if such owner shall fail or refuse to comply with such notice, he shall be subject to the penalty hereinafter provided.

Signs and Posts. Sec. 7. No sign or post shall be erected or placed, or if heretofore erected or placed, shall be permitted to remain in or upon any street, sidewalk or public way.

Clothing, Boxes, Etc., in Front of Stores. Sec. 8. No clothing, goods, merchandise, wares, signs, boxes or other articles, shall be placed in front of any store, shop or other place in the city, on or above any sidewalk, or in or upon any alley.

Receiving and Delivering Goods. Sec. 9. No person or persons, receiving or delivering goods, wares or merchandise, shall place or keep upon, or suffer to be placed or kept upon any sidewalk in the city, any goods, wares or merchandise, which he or they may be receiving or delivering, without leaving a passage way clear for pedestrians, of not less than six feet in width, and no person or persons, receiving or delivering such goods, shall suffer the same to be or remain on such sidewalk for a longer period than five hours.

Obstruction in Selling Goods. Sec. 10. No person or persons, whether licensed as an auctioneer or not, shall sell or attempt to sell, or shall cry for sale at public auction in the city, any goods, chattels or personal property whatever, to any person or persons, so as to collect a crowd of people upon the streets or sidewalks of the city, whereby the free passage thereof of any person or persons is prevented or hindered.

Riding and Driving on. Sec. 11. No person shall ride, drive, lead, push or draw back any horse, wagon, cart or other vehicle over any sidewalk, or use, ride or drive any horse, wagon, sled or sleigh thereon, except at public

or private crossings. *Provided*, That whenever, from want of an alley adjacent to any lot or part of lot, there be no convenient access thereto, otherwise than by crossing such sidewalk, it shall be lawful for the owner or occupant of such lot or part of lot, or for any person in his employ, to drive on or over such sidewalk for the purpose of discharging any bulky or needful article on such lot or part of lot, and also to ride, lead or drive any animal or vehicle, as aforesaid, for the purpose of entering upon such lot or part of lot, if only at the place where such riding, leading or driving shall be done, said sidewalk shall have been paved with flagstone or bricks set upon edge, so that such riding or driving shall not be injurious to such sidewalk. It shall also be lawful for livery-stable keepers, lumbermen, and other such persons, or their employes, and whose ordinary business may require, to make such crossing with such animal or vehicle, if such sidewalk, at the place to be crossed, shall first have been paved as aforesaid, and if, moreover, the movement of foot passengers thereon be not impeded.

Crosswalks Kept Clear. Sec. 12. All crosswalks shall be kept and reserved free from any sleighs, wagons, carts or carriages, and horses or other animals, being placed or suffered to stand thereon, except so far as may be necessary in crossing the same; and the owner of any sleigh, wagon, cart or other carriage, or horse or other animal, offending herein, shall be subject to the penalty hereinafter prescribed for violation of this chapter.

Removal of Obstructions. Sec. 13. The Street Commissioner, Mayor, Marshal, or any member of the police force of the city, may cause any obstruction, encroachment, article or thing which may be in violation of the provisions of this chapter, to be removed within a reasonable time after notice is served upon the owner, agent or person in possession of the premises where such violation occurs; or, in case such party or parties cannot be found, by posting up such notice upon the premises or sidewalk adjoining the same; and the owner or agent, or party causing such violation, shall pay all expenses and costs of such removal, in addition to the penalty hereinafter provided for violating the provisions of this chapter.

Building Material. Sec. 14. No person or persons shall throw any material of any kind upon any sidewalk in the city, while building, erecting, constructing or repairing any building or buildings, fronting on the same, or bordering thereon.

Shade Trees. Sec. 15. All shade or ornamental trees shall be planted on a line two feet inside of the outer line of the sidewalk; and if any trees shall have been heretofore planted within or without the line established at the time the same were set out, or shall hereafter be planted in violation of this chapter, the Common Council shall have power, in their discretion, to cause the same to be taken up and properly set out. *Provided*, That in no case shall such discretion be exercised unless such trees shall form a material obstruction to the street or sidewalk, nor unless the season shall be favorable for transplanting the same.

Trimming Trees. Sec. 16. All trees kept, maintained or cultivated in any of the streets or public places of the city, shall have the limbs cut close to the trunk and in such a manner that the boughs and branches thereof shall not be less than nine feet above the ground; and it shall not be lawful to keep, maintain or cultivate trees in any of the streets or public places in the city, excepting in the manner provided in this chapter; and any person who shall fail to comply herewith, after three days' notice from the Street Commissioner, shall be liable to the penalty hereinafter provided for the violation of this chapter.

Cellars, Vaults, Coal Holes, Etc. Sec. 17. Any person who shall keep or leave open any cellar door or grating of any coal hole, vault or area on any highway or sidewalk, or suffer the the same to be kept or left open, or who shall suffer any sidewalk adjoining his premises to become or continue so broken as to endanger life or limb, shall be subject to the penalty hereinafter prescribed for the violation of this chapter. It shall be the duty of all policemen to take note of all defects in sidewalks, and when out of repair, notify the Mayor, who shall at once report the same to the Common Council.

Obstructions. Sec. 18. No person shall push, pull or drag any wheel, hand-barrow or go-cart, or saw any wood, or lay or place any wood, coal, or article or thing whatsoever, upon any sidewalk in the city.

Washing Pavement and Windows. Sec. 19. From and after the first day of May until the first day of October, of each and every year, it shall not be lawful for any person or persons to wash, or cause to be washed, any pavement, or window upon the line of such pavement, with a hose or street washer, or by throwing or dashing water against or upon the same, between the hours of seven o'clock in the morning and seven o'clock in the evening. And all dirt, dust and rubbish must be swept off from all sidewalks by seven o'clock in the morning of each and every day.

Snow and Ice Removed. Sec. 20. Every owner or occupant of any house or other building, and the owner or proprietor, lessee or person entitled to possession of any vacant lot, and every person having charge of any church, jail, public hall or other building in the city, shall, during the winter season and during the time snow shall continue on the ground, by nine o'clock on each and every morning, clean the sidewalks and gutters in front of such house or building, and in front of such lot, from snow and ice, and keep them conveniently free thereof during the day; and shall also, at all times, keep such sidewalks clear and free from all dirt and filth, or other obstructions or incumbrances, so as to allow citizens to use the said sidewalks in an easy and commodious manner.

To Report Accidents. Sec. 21. It shall be the duty of all policemen and other city officers, in case of accident, to report the same to the City Attorney, together with the names of any witnesses to said accident, if known to them, at once in writing.

Slope, Projections, Etc. Sec. 22. Sidewalks shall be constructed so as to incline upwards, from the outer edge, one inch in every three feet, and no part of said sidewalk shall be taken for private use by lowering or cutting down the same next to the building, or railing off the same by any wooden or iron railing, or by shutting off the public from passing along and over the same, and such sidewalks shall not be raised up next to any building by constructing any platform on the same, of either wood, iron or stone, but such sidewalk shall be built flush up to the building, on a uniform grade, as herein provided.

Permit for Vaults, Areas, Etc. Sec. 23. No person shall be allowed to use for vaults, areas or other purposes, the space beneath the sidewalks, included within the sidewalk lines of any street in said city, unless a permit shall have first been obtained from the Mayor, attested by the City Clerk, and all fees for issuing such permit shall have been paid, such permit to continue and to be issued only upon the condition that the party receiving the same shall, as a compensation granted by said permit, build, maintain and keep in repair a sidewalk over such space intended to be used for vaults, areas or other purposes; such sidewalks to be of the material and constructed in the manner specified in such permit.

Permit Shall Specify. Sec. 24. Such permit shall specify in general terms the purposes for which the space under the sidewalks shall be used, and shall also contain a condition, that upon a failure to construct, maintain and repair such sidewalk, in accordance with any order that may from time to time be given by the Mayor or Common Council, the permit may be annulled by said Mayor.

Space for Hydrants and Lamp Posts Reserved. Sec. 25. No permit shall be granted for the permanent use and occupancy of so much space under the sidewalks, at the corners of the streets, as may be necessary for hydrants, lamp posts, or for access to the same, and such space shall be specified and reserved in all cases for the use of the city, whenever it may require the same for any purpose.

Violations. Sec. 26. Any owner, builder or other person, who shall, in violation of this chapter, occupy or use any part of the public street beneath or under any such sidewalks, or included within the sidewalk lines, or, if

there be no such sidewalks, shall occupy or use below the grade, such part thereof as comes within the sidewalk lines of said street, without a permit first had and obtained under this chapter, shall be liable to the penalty hereinafter prescribed.

Coal Hole and Area Covers. Sec. 27. Every opening in any vault or coal hole, or other aperture in the sidewalk, or over said coal hole or vault, shall be covered with a substantial iron plate, with a rough surface to prevent accidents, and the entire construction of said coal holes and vaults shall be subject to the directions and supervision of the City Civil Engineer, or such other person as the Common Council may designate.

Owners Responsible for Damages. Sec. 28. The owner and occupant of the abutting premises, in front of which any coal hole, vault or area is thus permitted to be constructed, shall be held responsible for any and all damages to persons or property, in consequence of any defect in the construction of such coal hole, vault or area, or for allowing the same or any portion thereof to remain out of repair; and such owner and occupant shall be required to keep the said coal hole, vault or area, and the walls and coverings of the same, in good order at all times.

Injury to Person or Property. Sec. 29. The owner or occupant of any premises abutting on such coal hole, vault or area shall be held responsible for any and all damages occasioned to person or property in consequence of the aperture in the sidewalk being left open or uncovered, or from the cover thereof being left insecure or unfastened, and such occupant shall be required to keep such coal hole, vault or area cover, in good order and safe for public travel over same.

Grates and Covers Moved. Sec. 30. No person or persons shall remove or insecurely fix, or cause, or suffer, or permit, to be removed or insecurely fixed so that the same can be moved in its bed, any grate or covering of any coal hole, vault or chute under any sidewalk or other public place. *Provided,* That nothing herein contained shall prevent the owner or occupant of the premises with which such coal hole, vault or chute shall be connected, from removing such grate or covering for the proper purpose of such coal hole, vault or chute, provided he inclose such opening or aperture and keep the same inclosed while such grate or covering shall be removed, with a substantial box or curb, not less than twelve inches high; *And provided further,* That he shall not remove such grate or covering until after daylight of any day and shall replace such grate or covering before one-half hour after sunset.

Boilers, Inflammable Material, Etc. Sec. 31. No boiler, steam shaft, furnace or steam pipe, or cess-pool, shall be constructed or located for use, and no explosive substance, or inflammable oil or substance, shall be stored or kept for any purpose under any sidewalk in the city; and no excavation, when permitted, shall be ventilated into the street, unless the aperture or ventilating hole or opening shall be securely covered, as herein provided.

Owner Notified to Repair. Sec. 32. Whenever the owner or occupant of any premises in the city shall be notified by the City Civil Engineer or the Street Commissioner to raise, lower or relay or repair any sidewalk bordering on any premises owned or occupied by him, it shall be the duty of such owner or occupant to cause such improvement to be made within the time specified in such notice and in the manner to be directed by said Civil Engineer. If any such owner or occupant shall neglect or refuse to comply with any such requirement, he shall be subject to the penalty hereinafter provided for violation of this chapter.

Projection of Porch, Window, Etc. Sec. 33. Hereafter no person shall construct or place, or cause to be constructed or placed, any portico, porch, door window, or steps, which shall project into or over any street or sidewalk in such manner as to obstruct free passage along or over the same.

Penalty. Sec. 34. Any person who shall violate any or either of the provisions of this chapter, or who shall fail or neglect to comply with any of th requirements thereof, shall, on conviction, pay a fine of not mor e than o hundred dollars.

CHAPTER XLVI.

SMOKE STACKS.

How Constructed. Sec. 1. All smoke stacks and chimneys erected at any place within the city, for manufacturing purposes appertaining to, used, or to be used for conveying off the smoke of any steam boiler or steam engine, shall be firmly and substantially built of brick, stone or iron, and shall be erected to the height of not less than forty-five feet, and where wood is used as the fuel said stack shall be covered with a wire screen, so as to prevent fire or sparks from being emitted therefrom.

Penalty. Sec. 2. Any person who shall erect or use any such stack or chimney, as in section one mentioned, the same not being erected in the manner in said section specified, shall be deemed guilty of a violation of this chapter and on conviction by the Mayor; shall be fined in any sum not less than one dollar nor more than one hundred dollars.

A Public Nuisance. Sec. 3. If any person after having been convicted by the Mayor for a violation of this chapter, shall continue to use any such smoke stack or chimney as mentioned in section one, the same not being erected as in said section specified, it shall be deemed to be, and the same is hereby declared to be a public nuisance, and the Marshal of the city is hereby empowered and directed to supress such nuisance by taking down and removing the same; *Provided*, That this section shall not prevent repeated prosecution for the violation of this chapter.

CHAPTER XLVII.

STREET COMMISSIONER.

Keep Check Roll and Record. Sec. 1. The Street Commissioner shall at all times keep a check roll, on which he shall enter the names of each and every person employed by him to do any work or perform any service for the city; and he shall enter on such check roll the date of every day that each and every person be so employed by him, and the number of hours and parts of hours that each and every person shall be so employed and shall actually labor for said city, and the kind and description of work done, and where done, by each and every person so employed each and every day, and he shall keep a record of all such labor employed, materials and tools purchased, and all other expenses incurred in his department, and report in writing to the Council once a month the condition of said department; and on the first meeting of said Council in January of each year, he shall make and present to the Common Council, a full and complete report of all such labor and expense, showing where and for what purpose the same was expended, together with an inventory of all materials, tools or other property of the city remaining in his charge.

Remove Obstructions, Etc. Sec. 2. Said Street Commissioner shall remove or cause to be removed, all obstructions to free passage along any of the streets, alleys, gutters and sidewalks of said city; and he shall on view or complaint, give notice to any person who may have obstructed or may be obstructing any of said streets, alleys, gutters or sidewalks, or in any way violating any ordinance prohibiting obstructions of the same, to forthwith remove said obstructions, and on failure of such persons so to do, shall make immediate complaint thereof to the Mayor; he shall also remove all loose dirt, rubbish, filth or other objectionable substances of any kind found on any of the streets, alleys or sidewalks of the city and for the prevention or remedy of which no other direct and positive provision is or has been made, and he shall for that purpose employ at the expense of the city, a sufficient number of horses, laborers and carts.

Repair Sewers and Bridges. Sec. 3. Whenever repairs of sewers or bridges shall be necessary, or culverts required to be built, or streets to be graded, or gutters to be opened, the Street Commissioner shall cause the same to be done according to the grades, plans and specifications as established and prepared by the City Engineer, and under the supervision of said Engineer.

Let by Contract. Sec. 4. It shall be the duty of the Street Commissioner to cause all work to be done for the city or order of the Common Council, the estimated cost of which shall exceed twenty-five dollars, to be let by contract to the lowest responsible bidder after receiving proposals therefor. All such contracts to be in writing and approved by the Common Council, and no work thus done by contract shall be accepted by said Street Commissioner until the same has been reported to said Council, and by them approved; and said Commissioner shall in no case make or approve any extra allowance or pay to any person or persons who shall have any such contract with the said Street Commissioner or the city.

Inspect Sewers and Drains. Sec. 5. It shall be the duty of the Street Commissioner between the first day of January and the first day of May in each year, to inspect or cause to be inspected all public sewers and drains, catch-basins and connections in the city, and report to the Common Council all such as may need repairing, cleaning or flushing. He shall make or cause to be made, where practicable, a visual examination of the interior of all main or lateral sewers, which are three feet or more in diameter in the clear, and all sewers less than three feet in diameter in the clear, whether constructed of brick or pipe, shall be inspected in such manner and by means of such appliances as may be directed by the City Civil Engineer. Said Commissioner shall keep a record of the location of all street catch-basins, and indicate thereon all such as shall be required to be cleaned each year. All work of repairing and cleaning public sewers, catch-basins, and connections, where the estimated cost shall exceed twenty-five dollars, shall be let by contract, according to the specifications to be furnished by the City Civil Engineer, except in cases of emergency where the public or private property may be in danger, in which case said Commissioner may proceed without delay to make such repairs, subject to the approval of the Committee on Sewers.

May Employ Clerk. Sec. 6. The Street Commissioner may employ a clerk or supervisor, subject to the approval of the Common Council. The compensation of such clerk or supervisor to be determined and fixed by said Council. And said Street Commissioner shall not make any charge against any person for any of the services required of him by the ordinances.

CHAPTER XLVIII.

STREETS AND ALLEYS.

House Numbers. Sec. 1. The City Civil Engineer shall assign a number to each lot or part of lot fronting on any street, avenue or public place in said city. Said streets, avenues and public places being numbered progressively, and where practicable, so that the odd numbers shall be on one side and the even numbers on the other side of the same, so that there shall be a number for every twenty or twenty-five feet of land fronting thereon, or as near thereto as conveniently may be; and the record of such numbering shall be evidence of the respective numbers or designations aforesaid; said Engineer shall prepare the necessary maps and records of the numbers to be assigned to all lots or lands in the City of Fort Wayne as above described, and deposit the same in the office of the City Clerk, and no owner or other person, shall affix a street number to a building in said city without having first obtained from the City Clerk a certificate designating the number assigned to the lot on which said building is situated.

Certificate of Clerk. Sec. 2. The City Clerk, to provide for the expense of mapping the city, and assigning the numbers to the lots therein, is hereby directed to require payment for the certificates to be issued according to the foregoing section, at the rate of twenty-five cents for each number designated by said certificate; said amount to be paid over by said Clerk to the City Treasurer once a month.

Size of Number. Sec. 3. Each of the figures of every number shall be not less than three inches in length, being so marked as to be distinct and easily read; said numbers shall be placed in a conspicuous place on the side or above the front door of the buildings to which they are attached.

Number Affixed. Sec. 4. The owner or owners of each and every building in the city shall affix on the same the number assigned therefor; and the owner of any building which may hereafter be constructed in the city, shall affix to the same the number or numbers assigned therefor within thirty days after the completion thereof, and no person shall affix such number until he has obtained a proper certificate therefor from the City Clerk, and it shall be the duty of the police to report to the Chief of Police any violation of this section, and said Chief shall report to the Mayor.

Obstruction While Building. Sec. 5. No person shall obstruct any street in the city while building, with any material, whatsoever, for a space exceeding fifteen feet, measuring from the outside of the curb to the center of the street, and in no case shall the gutters be so obstructed as to prevent the free passage of water along the same.

Encumber with Material, Etc. Sec. 6. No person shall encumber or obstruct, or cause to be encumbered or obstructed, any street, alley, or public place in the city, by placing therein or thereon, any building material, rubbish, chips, refuse trimmings of trees or shrubbery or any article or thing whatsoever, except as provided in the foregoing section.

Removal of Rubbish, Etc. Sec. 7. The Mayor, Marshal, or police force or any officer of the city, is hereby authorized to order any rubbish, chips, refuse trimmings of trees or shrubbery, article or thing, whatsoever, which may encumber or obstruct any streets, alleys, or other public places within the city, to be removed, and if such article or thing shall not be removed within five hours after notice to the owner or person in charge thereof to remove the same, or if the owner cannot be found for the purpose of such notice, to cause the same to be removed to some suitable place to be designated by the Mayor, and the owner of any article so removed, shall be subject to forfeit and pay a penalty of five dollars in addition to the cost of such removal.

Unhitched Vehicles. Sec. 8. No wagon, sleigh, sled or vehicle of any kind without horses, shall be permitted to remain or stand in any street or alley, for more than one hour, except when so standing for the purpose of being repaired, and then only in front of the premises of the person repairing the same, within ten feet of the curbing and for a period of time not longer than five hours.

Feeding Animals. Sec. 9. No owner, driver or person in charge of any horse or horses, or animal, whatsoever, shall feed or cause or suffer to be fed any such animal or animals in the streets of said city.

Erecting Buildings on. Sec. 10. No person shall erect or place any building in whole or in part, upon any street, alley, sidewalk or other public ground within said city. The owner of any building, fence, porch, steps, gallery or other obstruction, now standing, or which may be hereafter erected or placed upon any street, alley, sidewalk or other public place in the city, or which has been left standing upon any new street that has been or may hereafter be opened, shall remove the same within such reasonable time, not exceeding thirty nor less than five days, as he shall be required to do by a written notice from the Street Commissioner; and on failure of such owner to comply with said notice, he shall be liable to the penalty hereinafter provided.

Obstruction by Teams, How Regulated. Sec. 11. Whenever from any cause any street or alley in the city shall be obstructed by a press of teams attached to vehicles loaded or otherwise, the Mayor, Marshal, police force or any councilman or other officer of the city, may give such directions in regard to the removal of such teams, vehicles, etc., as in the opinion of such officer may be necessary or required for public convenience. And any person or persons refusing or neglecting to obey such directions shall be subject to the penalty hereinafter provided.

Dig up or Excavate. Sec. 12. No person or persons shall dig up or excavate any portion or part of any street, alley, or public place of said city, without having first obtained a permit so to do from the Street Commissioner;

and it shall be the duty of said Street Commissioner to grant such permit to any party desiring to improve his property, upon such applicant tendering and delivering to the City Clerk a good and sufficient bond, in such sum as the Mayor may deem sufficient, conditioned that said city shall be saved harmless from any damage that might occur to said city or any person, by reason of such excavation, and by said applicant depositing with the City Clerk the sum of ten dollars, out of which the Street Commissioner shall pay the cost and expense incurred by the city in refilling said excavation and maintaining the same as it was before such excavation, for the period of six months, and said applicant shall then receive any portion of said deposit not so used and expended, if such excavation be in the street; if in the alley, such applicant shall execute or give a sufficient bond in the sum of twenty-five dollars, that he will refill and maintain said alley in as good condition as it was before making such excavation, for six months.

Tear up or Injure Pavement, Etc. Sec. 13. No person shall tear up or injure any pavement, side or crosswalk or any part thereof, or dig or remove any sod, stone, earth, sand, or gravel from any street, alley or public place in the city, without having first obtained a permit therefor, from the Street Commissioner or Common Council.

Straw, Paper Chips, Etc. Sec. 14. No person shall place any straw, paper, dirt, chips, shells, ashes, swill, sweepings or other rubbish, though not offensive to health, in any street or public place in the city.

Hinder While Repairing. Sec. 15. No person shall hinder or obstruct the making or repairing of any public improvement or work ordered by the Common Council, or being done under or by authority of the City of Fort Wayne.

Railroad Gates. Sec. 16. It shall be the duty of each and every railway or railroad company, whose tracks are laid across any of the streets of said city, to place safety gates at any such crossings of said streets by said tracks, whenever the Common Council shall by resolution duly passed, declare the same necessary for public safety, and the said company shall erect safety gates as such resolution may declare necessary, within sixty days from the passage of any such resolution.

Wagon Tires. Sec. 17. For the better protection of the paved and macadamized streets, alleys or other thoroughfares of the city, no vehicle of any description with felloes and tires less than four inches in breadth shall be permitted to be drawn or pass over any such street, alley or thoroughfare with a greater burden than three thousand pounds weight, and no vehicle of any description with felloes and tires less than five inches in width shall be permitted to be drawn or pass over such paved and macadamized streets, alleys, and thoroughfares with a greater burden than sixty hundred weight. And every owner or owners of such vehicles for burden, which shall be drawn contrary to the true intent and meaning of this chapter, shall be subject to the penalty hereinafter provided.

Prepare Building Materials. Sec. 18. No person shall dress any stone or prepare any material for building in the streets or alleys of the city which can be prepared elsewhere.

Drive Cattle. Sec. 19. No person or persons shall, between the hours of eight o'clock A. M., and half past six o'clock P. M. of each and every day, drive upon or along any public street or alley, any more than twenty-five head of cattle at one time.

New Pavement Cleaned. Sec. 20. Any and all persons who may pave or cause to be paved any street, alley, or public place or any portion thereof, shall have the dirt, rubbish, and other obstructions cleared off the same within thirty days after any such pavement shall be completed, except such pavement as shall be laid over pipe, which shall be cleaned off within fifteen days after the same shall be laid.

This section shall be so construed as to apply to the removal of all sand (except top dressing), dirt or rubbish collected in any part of any and all streets, alleys, and public places covered by macadam or any pavement so

done and laid, or excavation that may have been made, or other work done in pursuance thereof; and no contract for paving or macadamizing in pursuance of this section, shall be accepted as completed until such requirements have, in the opinion of the City Civil Engineer, been fully complied with.

Inspector. Sec. 21. Whenever any street or alley or public place in said city, shall be paved or macadamized by order of the Common Council, a competent person shall be appointed by the City Civil Engineer to inspect such work during the construction of the same. The compensation of said inspector shall be such as the Council may fix, and shall be paid weekly by the City Treasurer, upon the certificate of said Engineer and order of City Clerk, and the contractor shall not be entitled to any estimate for such work, until he shall have repaid to the City Treasurer a sum equal to any sum that shall have been paid said inspector on such work. The City Civil Engineer shall keep a record of all such certificates, to whom, when, and upon what work allowed, and the amount thereof. And the expense of such inspector shall be included in the estimate of the cost of such work granted to the contractor.

Barricades While Paving. Sec. 22. Any person or persons employed to pave or repave any street, alley, or other public thoroughfare in the city, shall place proper obstructions or barricades across such streets or thoroughfares, for the purpose of protecting work in course of construction, and preserving the pavement when finished until the same is fit for use, leaving at all times a sufficient passage for pedestrians; and no person or persons shall without the written consent of the Mayor, or without the consent of the City Civil Engineer, throw down, displace or remove any such obstruction or barricade.

Not to Obstruct. Sec. 23. Nothing contained in the foregoing section shall be construed to authorize any person or persons to stop up or obstruct more than the space of one block and one intersection at the same time in any one street, or to keep the same so stopped or obstructed for more than two days after the roadway is finished.

Sale of Animals and vehicles. Sec. 24. No person shall make a stand or stopping place within any street or alley in the city for the purpose of exhibiting for sale, or for the purpose of selling or offering for sale any horses, mules or cattle, or any wagon, carriage or other vehicle drawn by either of the animals aforesaid.

Laying Pipes and Paving Streets. Sec. 25. No city officer shall grant permission to any person, company or corporation to lay any pipes for any purpose whatever, in any street or alley in the city which has been paved or macadamized, unless the application for such permission, shall have been approved or recommended by the Common Council.

Private Lamp Posts. Sec. 26. It shall and may be lawful for any person to erect a lamp post opposite his or her house, store or place of business, with such lettering or device as such person may think proper, in a line with those erected by the city near the curb line; *Provided*, Said lamps and lamp posts shall not be less in size than those erected by the city, and the lamps or illuminated signs placed thereon, shall not be more than three feet wide, and the posts shall be erected of the same height and in the same manner and of the same kind of material as those now used by the city for illuminating purposes and lighted by electricity or gas; and any person or persons who shall erect any such lamp post in any other manner than herein provided, and shall fail to remove the same after three days notice from the Mayor, Street Commissioner or Common Council, shall be subject to the penalty hereinafter provided.

Illuminated Clocks. Sec. 27. All lamps or lamp posts which have been heretofore erected and used as signs, and all illuminated clocks which have been erected on the outer edge of sidewalks, and which are in actual use, and which are kept in running order at the expense of the owner and regulated so as to indicate the correct time, may be allowed to remain, subject to be removed at any time as above provided.

Drinking Fountains. Sec. 28. Drinking fountains, made of iron, may be erected on the outer edge of sidewalks, at such points and places as the Common Council may designate: *Provided*, That the consent of the owner or agent of the premises in front of which it is proposed to erect such fountain, be first obtained.

Barricades and Red Lights. Sec. 29. It shall be the duty of every person or persons engaged in digging down any street, in paving any street, building any sewer or drain, or trench for water or gas pipes, in any of the public streets or thoroughfares, under contract with the corporation of this city, made through either or any of the departments of the said corporation, or by virtue of any permission which may have been granted to them by the Common Council, or any department, or either of them, where such work, if left exposed, would be dangerous to passengers, to erect a fence or railing at such excavation or work, in such manner as to prevent danger to passengers who may be traveling such streets or thoroughfares, and to continue and uphold the said railing or fence until the work shall be completed or the obstruction removed. And it shall also be the duty of such person or persons to place upon such railing or fence at twilight in the evening, suitable and sufficient red lights, and keep them burning through the night during the entire performance of the work.

Red Lights and Fences. Sec. 30. The provisions of the preceeding section shall apply to every person who shall place building materials in any of the public streets or thoroughfares, or be engaged in building any vault or constructing any lateral drain from any cellar to any sewer, or who shall do or perform any work causing obstructions in the public streets or thoroughfares, by virtue of any permit from any executive department; and also to all public or corporation officers engaged in performing any work in behalf of the city, whereby obstructions or excavations shall be made in said streets and thoroughfares.

Barricades and Red Lights, How Placed. Sec. 31. The extent to which such fence or railing shall be built in the several cases, is hereby defined as follows, to-wit:

1. In digging down any street or thoroughfare, by placing same along the upper bank of such excavation, or by extending the fence so far across the street, and at each alley, as to prevent persons from traveling on such portion as would be dangerous.

2. In paving any street or thoroughfare, by extending it across the carriageway of such street or thoroughfare and at each alley; or, if but a portion of the width of such carriageway be obstructed, across such portion, in which case the obstruction shall be so arranged as to leave a passage way through, as nearly as may be, of uniform width.

3. In the building of a sewer, by placing it across the carriageway at the ends of such excavations as shall be made, and at each alley.

4. In building vaults, by enclosing the ground taken for the vault.

5. In placing building materials in the streets, by placing it across so much of the street as shall be occupied by such materials; and the material shall be so placed as to occupy a space of uniform width, except brick or stone piled solid at least seven feet high. In all cases sufficient red lights are to be placed upon such building materials, fences or railings, and kept burning during the night, as provided by the preceding sections.

Answerable for Damages. Sec. 32. In all cases where any person or persons shall perform any of the work mentioned in the preceding sections, either under contract with the corporation or by virtue of permission obtained from the Mayor or Common Council, or either of the departments, such person shall be answerable for any and every damage which may be occasioned to persons, animals and property, by reason of carelessness in any manner connected with the said work.

Officers to Enforce Compliance. Sec. 33. It shall be the duty of the officer in charge of each particular class of improvements, to see that the requirements contained in this chapter, in regard to the erection of fencing and placing of lights, in all cases be complied with severally; and it shall be unlawful for any person whose duty it is to erect such barriers and lights, to refuse or neglect to erect the same in the manner prescribed by the foregoing sections, or for any person to remove the same; and it shall be the duty of the police to promptly notify the Street Commissioner of any violation of this chapter.

CHAPTER XLIX.

STREET AND ALLEY CLEANING.

Property Owners to Clean. Sec. 1. It shall be the duty of all owners or occupants of real estate within the city, to keep the streets and alleys bordering on the property owned or occupied by them, free from all obstructions, filth, manure, or other putrid or perishable matter whatsoever.

Street Commissioner to Notify. Sec. 2. Whenever any street or alley in said city is not kept clean and free from all filth, manure or other putrid or perishable matter, it shall be the duty of the Street Commissioner, to serve or cause to be served, a written or printed notice on the owner or occupant of the premises bordering on said unclean street, alley or part thereof, that unless said owner or occupant, within six hours from the time of receiving said notice, cause or procure said street or alley, or part thereof, to be thoroughly cleansed, the same will be done by the City of Fort Wayne, at the cost and expense of said owner or occupant.

Duty of Owner. Sec. 3. Whenever the owner or occupant of real estate in said city shall be required and notified, as aforesaid to clean any street or alley bordering upon any real estate owned or occupied by him, it shall be the duty of said owner or occupant to cause the said improvement to be made in the manner and within the time specified in said notice.

Street Commissioner to Report to Council. Sec. 4. In case the owners or occupants fail or refuse to comply with said requirements, the Street Commissioner shall cause the work to be done. Said Street Commissioner shall then report to the Common Council the amount of said expenditure, giving a description of the lots or other premises liable therefor, and the amount for which each is chargeable, and the certificate of the City Civil Engineer attached, that said work has been properly done. The Common Council shall thereupon assess the said expenses by resolution upon such lots respectively. Thereupon the City Treasurer shall demand payment thereof from the several parties against whom said assessment shall be made. In case any of the owners of the lots or parcels of ground on which such assessment have been made, shall fail or refuse, for the space of twenty days after the date of the assessment by the Common Council to pay the amount thereof due by such person to said city, it shall be the duty of said Treasurer, on behalf of said city, to file his affidavit in the Clerk's office of said city, stating the whole of said assessment, showing the amount paid and the amount due and unpaid, that the estimate of the expense thereof has been made, and that the work estimated has been done. It shall be the duty of the Clerk, at the next meeting of the Common Council, to report the said affidavit to the said Council, whose duty it shall be to cause a precept to issue for the collection of such assessment or any unpaid balance thereof, in accordance with the provisions contained in the City Charter.

Penalty. Sec. 5. Any person failing or neglecting to comply with the provisions of this chapter, shall be fined in any sum not exceeding one hundred dollars in addition to the expense incurred in the removing and cleaning as aforesaid.

CHAPTER L.

TRANSCRIPTS.

Sec. 1. The City Clerk of said city shall be entitled to the same fees for making out and certifying transcripts as are allowed by law to the Clerk of Allen County; and in all cases said fee shall be paid in advance of delivery. Said Clerk is hereby authorized, empowered and directed to retain in his possession, such transcripts, until his fees for making out and certifying the same, shall have been paid or tendered to him by the party applying for the same.

CHAPTER LI.

VEHICLES.

License and Bond. Sec. 1. No person shall keep or use for hire for the carrying or conveyance of persons or things within the City of Fort Wayne, any vehicle without a license so to do, and the Mayor is hereby authorized to license any person resident of said city, over the age of twenty-one years and being the owner or owners of any such vehicle, to keep and use for hire said vehicle upon his entering into bond with sufficient sureties to be approved by the Mayor, in the penal sum of fifty dollars, conditioned for the payment of all penalties and damages, which the said owner or owners and the driver or drivers thereof, may incur, or be liable to pay under any by-law or ordinance of the City of Fort Wayne now in force, or that shall hereafter be established. All licenses granted under this section, may be transferred by the Common Council in their discretion. *Provided*, That the keeper or keepers of livery stables shall have the right to do the ordinary business of such stables without obtaining such license.

Clerk to Keep Register. Sec. 2. It shall be the duty of the Clerk to to keep a register of the name of the person to whom such license is granted or transferred, the number of the license, and the description of the vehicle licensed. All licenses, unless revoked, shall continue in force for one year from the day of the date of the issuing thereof.

Name and Number. Sec. 3. Every person so licensed shall forthwith cause the name of the owner and the number of his license to be plainly painted in letters at least one and one-half inches in length, in a conspicuous place on the outside of the vehicle, and shall keep the same plain and distinct at all times when used, during the continuance of such license.

Lamps. Sec. 4. Every vehicle for conveyance of persons when driven or used, or waiting or standing for use, in the night time, shall have fixed upon some conspicuous part of each side of the outside thereof, a lighted lamp with plain glass fronts and sides, with the number of the license painted in black paint on the sides and front of each of said lamps in distinct and legible figures, at least one and a half inches in length, and so placed that said number and lamps may be distinctly seen from the inside and outside of such vehicle. All omnibuses running within the city and required to be licensed, shall, when running in the night time, have fixed in some conspicuous place in front thereof, so as to be distinctly seen from the inside and outside, a lighted lamp with the number of the license painted thereon in figures one inch and a half in length.

Drivers. Sec. 5. No person, except a licensed owner, shall hereafter drive any licensed vehicle, except omnibuses on established lines, for the conveyance of passengers, or any article or thing whatever, for hire or reward, without first obtaining a license as such driver, and no such driver shall drive any other vehicle than the one for which he shall be licensed, nor shall the owner or owners permit any person except a licensed driver or owner, to drive any licensed vehicle owned or used by him; nor shall any such owner permit any licensed driver to drive any other vehicle than the one for which he shall be licensed. No more than one driver shall be licensed for any one vehicle. Such drivers shall be licensed by the Mayor and Clerk, on request of the

owner, and such license may be transferred as above provided; and it shall be the duty of the clerk to keep a list of the drivers so licensed and the number of the vehicle as above provided. All such licenses shall expire in one year after the date of issuing thereof. All licenses granted under this chapter shall designate the vehicle by number and name, and the owner or driver shall be severally liable for each and every violation of this chapter by such owner or driver. And every person so licensed shall, while acting as driver of such vehicle, wear a badge, consisting of a rectangular shaped metal plate, 1⅜ by 2½ inches, to be furnished by the city at the time the license is issued, and for which licensee shall pay the cost price, and wear said badge on the outside of his coat so as to be easily seen. On said plate shall be engraved the word "Hack," or other word designating his kind of vehicle and the number of his license.

License Fees. Sec. 6. All omnibuses and accommodation coaches running in connection with hotels shall be charged for licenses, each, the sum of five dollars per annum.

All omnibuses and accomodation coaches running upon established lines, and at stated periods from place to place within the city, shall be charged for licenses, each, the sum of one dollar per annum.

All coaches and carriages drawn by two horses, and occupying any public stand, or that shall run for the conveyance of passengers for hire or reward, within the city, shall be charged for license, each, the sum of ten dollars per annum.

All vehicles drawn by one horse and occupying any public stand, and used for the conveyance of passengers, for hire or reward, within the city, shall be charged for license, each, the sum of two dollars and fifty cents per annum.

All baggage, express, and furniture wagons and vehicles drawn by two or more horses shall be charged for license, each, the sum of three dollars.

All baggage, express, and furniture wagons and vehicles drawn by one horse shall be charged for license, each, the sum of two dollars per annum.

All drays, carts, wagons, and other vehicles running within said city for hire or reward, and not otherwise expressly provided for, shall be charged for license, each, the sum of two dollars and fifty cents per annum.

All wagons and other vehicles drawn by two or more horses for the conveyance of many passengers, or heavy articles or things for hire, from place to place in the city, shall be charged for license, each, the sum of five dollars per annum if the tire of such wagon be four or more inches in width, if less, ten dollars.

Rates of Fare. Sec. 7. The price to be charged by the owner or driver of any vehicle, except an omnibus, for the conveyance of passengers for hire within said city, shall be as follows, to be regulated and estimated by the distance on the most direct routes, viz:

For carrying a passenger not exceeding one mile, fifty cents.

For conveying a passenger any distance over a mile and less than two miles, one dollar.

For conveying children between five and fourteen years of age, half of the above price may be charged for like distances, but for children under five years of age, no charge shall be made, unless such child is the only passenger, in which case full charge may be made.

The distance from any railroad depot or hotel to any other railroad or hotel, shall in all cases be estimated as not exceeding one mile.

For the use of coaches drawn by two horses, with one or more passengers by the day, eight dollars.

For the use of any vehicle by the hour, with one or more passengers, with the privilege of going from place to place and stopping when required, as follows:

For the first hour, one dollar and fifty cents, and for each succeeding hour, one dollar.

Every passenger shall be allowed to have conveyed upon such vehicle, without charge, his ordinary traveling baggage, not exceeding in any case, one trunk.

Soliciting, Racing, Etc. Sec. 8. No driver, agent, employe, owner or owners of any such hackney coach, cab, carriage or other vehicle herein referred to, shall solicit passengers, except for such vehicle as he may be licensed for; and no driver of any hackney coach, cab, omnibus, dray, carriage or other vehicle, shall engage in racing with another, or drive faster than a moderate rate, while passing in, along or through any of the public streets of the city; and all such vehicles shall keep to the right when in motion and passing along any of such public streets.

Extortion. Sec. 9. No owner or driver of any hackney coach, cab, carriage or other vehicle, licensed as aforesaid, shall refuse to convey, in said city, any person, with or without baggage, as aforesaid, when applied to for that purpose, or, having undertaken to convey such person, shall omit or neglect so to do, or shall ask, take or extort, from any person desiring to be or having been conveyed to any place in said city, as the price or rate of fare for such conveyance, any greater price or rate of fare than herein established.

Cartage of Merchandise. Sec. 10. Draymen, carters, expressmen or wagoners, licensed as aforesaid, shall be entitled to receive and ask, for cartage of any articles of merchandise upon any such vehicle, where the distance shall not be greater than one mile, thirty-five cents; and for each additional mile, or fraction of a mile, twenty cents, and no person driving such licensed vehicle, shall refuse to convey, within said city, the goods, or merchandise, or other thing of any person, or shall omit or neglect so to do, or shall ask, take, state to, or extort from, any person desiring to have, or having had conveyed to any place in said city, such goods, or merchandise, or other thing, as the price or rate of fare for such conveyance, any greater price or rate of fare than that herein established. *Provided*, That this section shall not apply to teams with two or more horses or other animals, used for conveying heavier articles, where a special contract is made.

Card of Rates Kept Posted. Sec. 11. Every driver or owner of a licensed hackney coach, cab or other vehicle, for the conveyance of passengers, shall at all times keep fixed and posted, right side up, inside of the same, so as to be most conveniently seen and read, a card, to be furnished by the city at the expense of the owner, printed in plain, legible characters, containing the prices or rates of fare allowed by this chapter, and the name of the owner or driver of such vehicle and the number of the license thereof.

Hack and Dray Stands. Sec. 12. It shall be unlawful for any hack, dray, truck or other vehicle, when unemployed, to be permitted by the person owning or controling the same, to stand on any street or place in said city, except on the following streets, viz;

On the market space on Barr street, between Berry and Washington streets; hacks on the north side of Berry street, between Court and Calhoun streets; trucks and all other vehicles on the west side of Court street, and on the south side of Main street between Court and Calhoun streets, and upon no other street or space within said city. *Provided*, That only such hacks, drays, trucks, and other vehicles, as the ordinances of said city require to be licensed, shall be included in this chapter.

Penalty. Sec. 13. Any person who shall violate any or either of the provisions of this chapter, or any section, clause or provision of any section of this chapter, or who shall fail or neglect to comply with any or either of the requirements thereof, shall, on conviction, pay a fine of not more than one hundred dollars.

CHAPTER LII.

WARDS.

First Ward. All the territory within the city limits, lying west of Hanna street, and east of Lafayette street, and north of the Pittsburg, Fort Wayne and Chicago railway, and south of the St. Mary's and Maumee rivers, shall constitute the First Ward.

Second Ward. All the territory within the city limits, lying west of Lafayette street, and east of Calhoun street, and north of the Pittsburg, Fort Wayne and Chicago railway, and south of the St. Mary's river, shall constitute the Second Ward.

Third Ward. All the territory within the city limits, lying west of Calhoun street, and east of Webster street, and north of the Wabash, St. Louis and Pacific railway, and south of the St. Mary's river, shall constitute the Third Ward.

Fourth Ward. All the territory within the city limits, lying west of Webster street, and east of Broadway and the line of same projected north to the St. Mary's river, and north of the Wabash, St. Louis and Pacific railway, and south of the St. Mary's river, shall constitute the Fourth Ward.

Fifth Ward. All the territory within the city limits, lying west of Broadway and the line of same projected north to the St. Mary's river, and north of the Wabash, St. Louis and Pacific railway, and south of the St. Mary's river, and south of the line of the old Wabash and Erie canal, shall constitute the Fifth Ward.

Sixth Ward. All the territory within the city limits, lying west of Calhoun street, and south of the Wabash, St. Louis and Pacific railway, shall constitute the Sixth Ward.

Seventh Ward. All the territory within the city limits, lying east of Calhoun street, and south of the Pittsburg, Fort Wayne and Chicago railway, shall constitute the Seventh Ward.

Eighth Ward. All the territory within the city limits, lying east of Hanna street, and north of the Pittsburg, Fort Wayne and Chicago railway, shall constitute the Eighth Ward.

Ninth Ward. All the territory within the city limits, lying north of the St. Mary's river, from its intersection with the New York, Chicago and St. Louis railway, and north of said railway, west of the St. Mary's river, shall constitute the Ninth Ward.

Done at the Council chambers of the City of Fort Wayne, Indiana, on this 11th day of March, 1887.

CHARLES F. MUHLER, Mayor.

W. W. ROCKHILL, Clerk.

Index to Charter.

Roster of officers....1 to XIII
Abatement of nuisances....23

Actions.
Mayor to try....4
Corporate organization presumed....5
Against railroads, etc....5
To recover penalties....5
Imprisonment for penalty....5

Additions to cities, how assessed for taxation....24
Agricultural lands, how taxed....26
Aid to roads, bridges, etc....22
Aid to railroads, hydraulic companies, etc....22
Animals running at large....16

Alleys.
See streets and alleys.

Annexation of Territory.
Extension over platted lots....40
Extension over contiguous territory....40
Proceedings by county board....41

Arms.
Security for....53
Distribution....53

Assessor.
Elected....7
Duties....7
Make tax list of personalty....7
To list real property....7
Oath and bond....12
May appoint deputies....2-13
Council may abolish office....26

Attorney.
See city attorney.

Auctions and Auctioneers.
Regulated and licensed....18
Auditor, city....2

Bank Stock.
How taxed....24
County auditor to furnish list....25
How assessed....25
Collection of tax....25
Lien of tax....25
How valued....25

Bathing.
Regulation of....16

Bells.
Ringing of....16

Bills of morality....16
Board of equalization....23

Board of Health.
Board of health....17
Appointment....13
Who may constitute....54
Report—misdemeanor....54
Physicians registering—misdemeanor....55
Board of public improvements....17

Board of Trustees of Town.
Order for census....1
Notice of election....1
To appoint election board....1

Bonds, City.
Canceled when redeemed....10
If purchased by city officers, forfeited....14
May be donated to roads, etc....22
May be donated to railroads, etc....22
May issue for water works....46
May issue for school buildings....59

Bonds of city officers....12

Bridges.
Regulate and construct....18
Power over....28

Buildings.
Permit for....17
Where located or prohibited....15
To cleanse....15
Erection of wooden prevented....17
Condemn and remove....17
May be destroyed, when, and damages....43

By-Laws.
See ordinances.

Cattle.
See animals.

Cemeteries.
Cemeteries....15
May be vacated....51
Petition and finding....51
Removal and re-interment....52
Title, how affected....52

Chimneys.
Regulation of....42

Chief Engineer of Fire Department.
Appointment of....13
Duties....43
Exempt from jury and militia service....43

City Assessor.
See Assessor.

City Attorney.
Appointed....2
Duties....9
Fees....9
Oath and bond....12

City auditor....2

City Bonds.
See bonds.

City Court.
Style of....44
Jurisdiction....44
Causes, when triable....44
Seal....44
Court of record....45
Process....45
Rules....45
Holding court....45
Change of venue....45
Trial and new trials....45
Appeal....46
Execution....46
Marshal's and constable's duties....46
Fees of judge....46

City Commissioners.
How appointed....33
Duties....33
Hearings before....34
Assessments of benefits and damages....34
Report to council....34-35
Action on report....35
Duty of clerk-lien....35

City Judge.
Vacancy, how filled....3
Election....44
Commission....44
Fees....46
Appointment of judge pro tem....46

City Marshal.
See marshal.

City Officers.
City officers....2
Penalty for refusing to serve....3
Cannot contract with city....14
Salaries....14

City Orders.
How canceled....9
When purchased by city officers, forfeited....14
When to bear interest....10

Civil Engineer.
Appointed....2
Duties....8
Oath and bond....12

Clerk of City.
Elected....2
Vacancy, how filled....3
To notify officers of election....3
Duties....6
Custody of books and papers....6
To keep record of proceedings of common council 6
Drawing orders....6
To make tax duplicate....6
Oath and bond....12
May appoint deputies....2-13

Coaches.
Stands for....18
Licenses for....23

Commissioners.
See city commissioners.

Common Council.
How composed....2-13
Power and duties....13
Mayor presides over....13
Stated and special meetings....13
Control city finances and property....14

Contempt in council room....19

Councilmen.
See member of council.
Elected....2
Vacancy, how filled....3
Oath and bond....12
Fire Wardens....42

Conpons, city, receivable for taxes....22

Crossings.
City to construct....28
City liable for....30

Damages.
Removing buildings, etc., for street....28
When changing grade of streets....8
Payment of, for appropriating real property....36
Tender by city treasurer....37
Tender in case of injunction....38
When allowed for opening streets, etc....40
Buildings destroyed during fire....43

Debt, Public.
Bonds issued for funding....21
Disannexing territory....41
Diseases, infectious....16
Docks....17
Dogs, tax on....23

Drainage.
Lands in city....19
Construction or filling up....15
May go beyond city limits....16
Construct sewers, drains and cisterns....18

Driving fast....16

Elections.
City officers, how elected....2
Oath of board....2
Law of city elections....3
Canvass of votes....3
Inspectors certificate....3
Notice to persons elected....3
Creation of new ward....3
Vacancies filled at special election....3
Precincts....52

Engineer, City.
See civil engineer.

Engineer.
See chief engineer of fire department.

Engine house....17

Equalization.
See Board of equalization.

Estimates.
Made from time to time....30
Amount assessed, how collected....31

Expulsion of city officers....13

Extension of City.
See annexation.

Fees.
Marshal....9
Mayor....4
City clerk....6
City attorney....9
City treasurer....12

Ferries....14

Fine Arts.
Specimens exempt from license....16

Fines and Penalties.
Paid into city treasury....4-5
Recovered by action....5
How satisfied....5
Limit of, for violating ordinance....23

Fire arms....15

Fire Department.
Councilmen are fire wardens....42
May regulate construction of chimneys....42
Fire engines....42
Duties of chief engineer....43
Firemen, exemptions....43
May blow up buildings....43
Fire patrol....43
Fire engines....17, 42

Fire works....15

Forfeiture.
See fines and penalties.

Funding Indebtedness....21
Gaming, suppression of....15
Garbage, removal....53

Gas Works.
To construct....16
Extend pipes beyond city limits....16

Gas.
See natural gas.

Grade of Streets.
Damages for change....8

Gun powder....15
Hacks....15
Hand organs....15

Hawking.
See peddling.
Hay, weighing of....17
Heating, pipes for....19

Highway.
See streets and alleys.
Hook and ladder companies....43
Hospitals....17
House, filthy cleansed,....15
House of refuge....17
Ill fame, house of....15

Imprisonment.
Mayor may adjudge....4
Failure to pay penalty....5
Improvement, advertisement for contracts....29

Incorporation of Cities.
Petition....1
Census....1
Notice of election....1
Election and returns of....2
Infirmary....20
Injunction, on public improvements....37
Inns, taverns, etc....15

Indebtedness.
Funding....21
Sinking fund for....21
Interest on....21

Inspectors and Judges of Elections.
How appointed....1
Oath of election board....2
Canvass votes....3
Certificate....3
Insurance companies taxed....23
Intoxicating liquors, license....23

Judge.
See city judge.

Jurisdiction of City.
To extend beyond city limits:
1 Prohibiting tallow chandleries, etc....15
2 Constructing water works....16
3 Establishing cemeteries....15
4 Locating markets, etc....15
5 Removing and abatement of nuisances....23

Justice of the Peace.
When to perform mayor's duties....4

Land.
See real estate.
Lectures, when exempt from license....16

Licenses.
Registered by clerk....6
For inns, taverns, etc....15
Tables, alleys, etc....15
Public shows, etc....15
Lectures, exempt....16
Auctioneers....18
Intoxicating liquors....23
Public vehicles....23

Libraries, Free.
School trustees may establish....61
Levy tax for....62
Acquire real estate....62
When open....62
Real estate, how paid for....62

Library Association.
City may take stock in....53
Upon dissolution....54

Lighting City.
Power of council....50
May erect poles, etc....50
Persons or corporations may erect poles, etc,....50
Former contracts legalized....51
Corporation for, may acquire real estate....51
Lectures....16

Loans.
See money.
Loans temporary....24
Macadamized road, aid to....22

Markets.
Location and regulation....15
Management of....17

Market House.
Erection and establishment....17
Consent to erection....19
Consent to maintain....19
Nuisance without consent....19

Marshal.
Elected....2
Duties....8
Power of constable....9
Fees....9
Oath and bond....12
May appoint deputies....2, 13

Mayor.
Elected....2
Term....2
Vacancy, how filled....3
Powers and duties....4
Docket of, etc....4
Oath and bond....12
Sign deed of city....19
Presides over council....13

Member of Council.
See councilman.
Cannot contract with city....14, 30
May be expelled....13
Salary....14
Conservators of peace....17
Fire wardens....42
Mendicants, beggars, etc....16

Money.
May borrow....20
Purpose of borrowing....20
Ordinance for....20
Interest on borrowed money....21
Donations to railroads, etc....22
Treasurer receives and pays out....9
Music in streets....15
Natural gas, regulation of....51

Non-residents.
What personalty not taxable....26
Notice to, of property appropriated....34
Notice of assessment....36
Notice to damages awarded....38
Collection of assessments against....51

Notices.
How may be given....53
To persons elected....3
Of election for incorporation....1
Sale for delinquent taxes....11, 28
Assessments for street improvements....36
For proposals for public improvements....29
To city commissioners....33
To certain owners of property....33

Nuisances.
To fill up lot when a nuisance....15
Abatement of by city....23

Officers of City.
Of whom to consist....2, 13, 48
Oath and bond....12
Expulsion....13

Penalty for refusing to serve....3
Contract with city void....14, 30
Vacancies, how filled....3
What officers may appoint deputies....2, 13
Qualifications....52
Salaries....14

Orders.
How drawn....6
City officers cannot buy....14

Ordinances.
Mayor has exclusive jurisdiction over....4
Penalty for violation recovered by action....5
How passed, recorded, etc....13
Publication of penal ordinances....13
What may be enforced....15-19
Need not be set out when pleaded....5
Arrest for violation....5, 8
Other necessary by-laws may be passed....23
What penalty may be assessed....23
In suit under, what presumed....5

Omnibus.
See coaches.

Ovens.
see chimneys.

Parks, etc.
Parks and public grounds....18
Shade trees in....18
Public improvements adjacent to....29
Vacation of....38

Party walls and partition fences....18

Peace and Good Order.
Council to preserve....15
At fires....43

Peddling....16

Penalties.
See fines and penalties.
Actions to recover....5, 23
Imprisonment for non-payment....5
Replevying judgment for....5

Permits.
Signed by mayor....4
For erecting, etc., buildings....17

Pest houses....17
Plank road....18, 22

Plat.
See survey and plat.

Police, establishment of....15
Poll tax....23
Pounds....16

Powder Magazines.
See gun powder.

Precepts, for public improvements....31

Prisons.
Erection of....18, 52

Prisoners.
Held or bailed....5
Required to labor....5
Not to be held more than 18 hours....9

Prostitutes....16, 23

Public Health.
Means of preserving....15, 16, 23

Public Improvements.
Duties of board....17
How contracts let for....29
Cost of, how estimated....29
When council may make....29
How assessments collected....31

Public Square.
How sold....19
Vacation of....38
Quarantine....15

Railroads.
Speed, cleaning gutters, etc....18
Aid to....22
Suits against for violating ordinances....5

Real Estate of City.
Sale of....19
How deeded....19
Appraisement....20
May purchase and hold for sanitary purposes....20

Receipts, to be registered....6

Records of city....6

Riding, immoderate....16

Road labor tax....29

Runners, regulate and prohibit....18

Salary.
Mayor, when may draw....5
Of officers of city....14

School Buildings.
Bonds for....59
Use of proceeds of bonds....59
Special tax....60
Statement to council before building....60

School Trustees.
Elected by council....56
Duties....56
Keep record of proceedings....57
Duty as to revenue....57
Annual statement....57
General duties....57
Appoint superintendent of schools....57
To pay over surplus special school revenue....57-60
Prior payments of surplus special school revenue legalized....57
Levy special tax....57
Control tuition fund tax....58
Enumerate school children....58
Transfer of children to another district....59
Payment for transfer....59
Statement before building....60
Branches taught in schools....61
Teachers employed and dismissed....61
Title of school property....61
Suits brought in name of....62
To make reports to council....19

Seal of city....14

Sealer of weights and measures....13

Sewers.
See public improvements.
Regulate and construct....18
Assessments, etc....22

Shade trees....18, 53

Shows....15

Shooting....15

Shops....15

Sidewalks.
Prevent incumbering....16
To construct, etc....28
Grading, etc....29

Sinking fund....24, 53

Slaughter houses....15

Speed, to regulate....18

Speed on railroad....18

Stands for coaches, etc....18

Streams, exclusive power over....14

Street Commissioner.
Appointed....2
Works city prisoners....5
Duties....8
Oath and bond....12
May appoint deputies....13
Repairs sidewalks....29
In relation to road labor tax....29

Streets and Alleys.

Incumbering....16, 39
What real estate exempt from sale for improvement on....19
Power of council over....28
Improvements, how ordered....29
Costs of improvements....29
Costs on unplatted lands....30
Estimates for costs....30
How estimates are collected....31
Opening....33
Assessments of benefits and damages....34
Report of city commissioners....35
Action of council on report....35
Duty of clerk, lien....35
Payment of damages....36
Collection of assessments....36
Report of collections....36
Appropriating property of corporations....36
Appeal from proceedings....37
No injunction....37
Payment of damages....37
Damages, how tendered....38
Vacation, how ordered....38
Proceedings before commissioners....38
Report....38
Action on report....39
Clerk's duty....39
Reference of report and proceedings....39
Change of street on petition....39
Removal of obstructions....39
Plats of vacation or opening....40
Pending proceedings....40
Compensation for damages....40

Supervisor of streets....13

Surveys, etc.

Survey and plats....41
How adopted....42
To be kept by clerk....42
Law applied to towns....42
Former plats legalized....42

Swine.

See animals.

Tables, etc....15
Tallow chandleries....15
Taverns, etc....15

Taxation.

What property exempt....19
Ad valorem for general purposes....23
Equalization, refunding....23
Sinking fund tax....24
Temporary loans, in anticipation....24
State law govern....24
Lien of....10
Additions how assessed....24
Bank stock....24
Auditor of county to furnish list of....25
Bank stock, how assessed....25
Collections of tax on bank stock....25
Lien of tax on....25
How bank stock is valued....25
Agricultural lands....26
State tax law to govern....26
Personal property of non-residents....26
When taxes paid....26
What exempt....27
List to prosecutor....27
Treasurer to sell, when....28
To pay water works loans....50
Lien of tax for....50
Local tax for tuition....58

Theatres....15
Tie vote....3
Transportation within city....15

Treasurer.

Elected....2
Duties....9
Receive monies....9
Pay city orders....10
Publish notices of redemption of city orders....10
Furnish statement of receipts, etc....10
Assessment of persons not listed....10
Collect delinquent taxes....10
Collect taxes....11
Settles with clerk for taxes....12
Collection of taxes by districts....12
Sale of lands for taxes....11
Notice of sale....11
Sale, how made....11
Land, how sold....11
Return of sale....11
Redemption from....11
Oath and bond....12
Sells real estate under precepts....32

Trials.

Before mayor....2
On appeal....31, 37

Unwholesome substances....16

Vacancy in office....3

Vagrancy....16

Vehicles.

See coaches.

Vice....15

Voters, qualifications....52

Wards.

Creation of new wards....3
Councilmen from....2

Water.

Constructing works, etc....16
To extend pipes beyond city limits....16

Water Works.

Bonds may be issued for, on vote....46
Location and condemnation....47
Assessment and report....48
Tender of damages....48
Appeal....48
Trustees....48
Duties and pay of trustees....48
Trustees to make by-laws....48
Trustees to assess and collect rents....48
Funds, how kept....49
Contracts....49
Investigating committee of council....49
Free water for public uses....49
Attachments regulated....49
Advertising before letting contracts....49
Bond of contractor....50
Tax to pay loans....50
Lien of tax....50
Prosecutions for polluting water....50

Water Works Trustees.

Board of, established by council....48
Duties and pay....48
To make by-laws and regulation....48
Assess and collect water rents....48
Application of surplus fund....49
Reports....49
Keep funds....49

Wharves, etc....17

Wood measuring....17

Wooden buildings....17

Work house....5

Index to Ordinances.

Accounts.
Claims to be filed 1
Finance committee to report 1
What claims received by Council 1

Alleys, see Streets and Alleys.
Unlawful to place rubbish, etc., in 20

Animals.
Poundmaster's duties 1
Unlawful to run at large 1
Taken up 2
Any person may take up 2
Unlawful to obstruct Poundmaster 2
Penalty for 2
Hitching or driving 22
Feeding 46
Sale of 48

Ashes 28

Assessor.
Duties 2
To place omitted property on tax duplicate 2
To report buildings erected without permit 2

Attorney, duties 2

Auctioneers.
Licensed 3
Application for license 3
To report sales 3
Pay per cent into city treasury 3
Unlawful to sell without license 3
Penalty 3

Awnings 40
Barb wire fences 27
Barricades 49
Bathing 25
Bees 28
Begging 25

Board of Health.
Authority of 3
Prohibit sale, etc, of infected rags, etc 3
Unlawful to remove, etc., cards, etc 3
Certain clothing not be washed, etc 4
Penalty 4

Board of Public Improvement.
Duties 4
Unlawful to build without permit 4
Application for permit 4
Requisite of permit and bond 4
Powers of Board 5
Collection of expense for tearing down, etc 5

Boilers, inflammable material 43
Bonds, official 5

Bridges.
Speed in driving over 5
Number of cattle driven on 5
Obstructions 5
Keep to the right 5

Buildings, see party walls.
How constructed, etc 6
Inspection by Board of Public Improvements 5
Expense of tearing town 5
Building materials 41

Buildings moved.
Permit to move 6
Clerk to report to council 6
When an obstruction 7
Precautions 7

Butchers 22
Cattle, when driven 47
Cellars, vaults, etc 41
Cellar doors and gratings 25, 40
Chickens 28

City contracts.
Opening and filing bids 7
Plans and specifications 7
Bidders bond 7
Failure to enter contract 7
Officer cannot enter into 7
Certificate before allowance 7
To be approved by council 7
Contractor to receipt estimate 8
Proof of publication filed by contractor 8

City Officers.
Powers and duties 8
Mayor 8
Treasurer 8
Clerk 8
Marshal 9

City Time 9

City Weigher.
Elected by council 9
Duties 9
Where wood, etc., to be sold 9
What articles weighed 9
Measure wood 9
Pay into treasury money collected 10
Unlawful to sell mouldy hay, etc 10
Fraud or deceit in selling wood 10

Clerk, see city officers.
Clothing, boxes, etc., on sidewalk 40
Clocks, illuminated 48
Coal, see city weigher.
Coal holes 41, 43
Crossings, obstructions of 25, 34
Diphtheria, see Board of Health.
Distillery, see nuisances.

Dogs.
Owner to list 10
To wear collar 10
Collar not to be removed 10
Slut not to run at large 10
Mayor may order killed 10
When muzzled 11
Excluded from market 22

Driving on Sidewalk 40
Drinking fountains 49

Drainage of lots.
What lots nuisances 11
How nuisances abated 11
When lot filled 11
Costs of, how collected 11

Dynamite, see gunpowder.
Elections, pay of officers of 11
Electric light towers 27

Engineer, Civil.
Plans and specifications 12
Superintends public work 12
Reports encroachments, etc 12
To keep records 12
Gives grades 12
Deputies 12
Persons interfering with 13
No fees, except statutory 13

Excavations, protections 27
False alarm 25
Fees of city officers 13
Fines, remitter of 35
Fire apparatus, keep off 26
Firearms, discharging 26

Fire department.

Fire limits 13
Unlawful to erect frame buildings within 13
Officers and men 14
Fire Commissioners 14
Chief Engineer to keep records, etc 14
Assistants to Chief 14
Blow up buildings 14
Right of way 14
Police powers conferred 15
Obstructions of hydrant 15
Engine houses 15
Require assistance 15
Keep off hose 15
Keys 15
Property saved 15
Defacing poles 15
Not to open signal box 15

Fire precautions 27
Fowls, running at large 28

Garbage.

Storage of garbage 15
Districts 16
Garbage gatherers licensed 16
Powers of license 16
To file bond 16
To remove garbage 16
To keep garbage barrels, etc., clean 16
Unlawful to deposit in sewers 38

Goods delivered and received on sidewalk 40
Goods, obstruction of sidewalk in selling 40
Grates and covers moved 43

Gunpowder.

Licensed to sell 17
Keep a sign 17
Time of permit 17
Nitro-glycerine or dynamite 17

Hay, see City Weigher.
Houses of ill-fame 25
Horses, shoeing of 27
Indecent plays 25

Intelligence offices.

License required 17
How issued 18
Imposition or fraud 18

Intoxicating liquors.

License, how issued 17
Unlawful to sell 17

Kite flying 25
Lamp posts 28
Lamp posts, private 48
Lard, see nuisances.

Licenses.

Requirements of license 18
Not transferable 18
Limitation and discretion of mayor 18
For what granted 18
Record to be kept 19
Auctioneers 3
Garbage gatherers 16
Gunpowder 17
Intoxicating liquors 17
Intelligence offices 17
Manure gatherers 19
Slaughter house, rendering, etc 23
Sewer builders 27, 88
Pawnbrokers 31
Peddlers 32

Lights, putting out 27
Loitering 28

Malfeasance of officers.

Complaint filed with clerk 19
Time for trial, how fixed 19
Charges, how tried 19
Officers suspended during trial 19
Two-thirds vote to establish guilt 19

Manure Gatherer.

License to remove 19
Remove every 36 hours 20
Alleys left clean 20
Right to remove 20
Unlawful to place rubbish, etc., in alley 20

Markets.

Where held 20
When held 20
Market hours 20
Appoint market master 20
Market master to qualify, etc 20
Duties of market master 20
Rent of stalls and stands 21
When rented stalls may be assigned 21
Rent per day of unoccupied stalls 21
Stalls cleansed and rubbish removed 21
Unlawful to purchase or sell on way to 21
Not to re-sell 21
General dealers forbidden buying 21
Weights and measurers 21
Custodian of scales, measures, etc 21
Inspection of weighing 21
False weight 21
Shape of dry measure 22
Butter scales 22
Meat scales 22
Confiscation 22
Vehicles, horses, etc 22
Hogs excluded from 22
Animals, hitching or driving 22
Butcher, what constitutes 22
Report monthly 22

Market master, see Markets.
Marshal, see City Officers.
Mayor, see City Officers.
Milk, adulteration 25
Molesting city officers 26
Noise and disorder 25

Nuisances.

Cattle yards, pens, etc 23
Slaughter houses, rendering, etc 23
Permits and licenses 23
Offal, etc., how disposed of 23
Putrid and offensive matter buried 23
Rendering tainted lard or tallow 24
Soap factories, etc., not to be offensive 24
Owners to keep premises clean 24
Cellars, vaults, etc 24
Marshal, etc., to report 24
Proceedings to abate 24
On premises 27

Offences.

Bathing 25
Noise and disorder 25
Indecent plays 25
Houses of ill-fame 25
Begging 25
Kite flying 25
Throwing stones 25
Cellar doors and gratings 25
Encroachment on sidewalks, etc 25
Leaving horses unhitched, etc 25
Obstruction of crossings 25
False alarms 25
Milk adulterations 25
Defacing posters 25
Molesting city officers 26
Personating city officers 26
Saloons 26
Discharge of fire arms 26
Rate of speed 26
Playing on Sunday 26

Offences—*Continued.*
Hauling of rubbish....26
Hauling of slops....26
Vehicles on sidewalks....26
Swine....26
Speed of cars....26
Portable engines....26
Privy vaults....26
Police whistle....27
Trespass on lots....27
Injury to real estate....27
Electric light towers....27
Barb wire fences....27
Signs and banners....27
Slaughtering animals....27
Protecting excavations....27
Putting out lights....27
Shoeing of horses....27
Licensed sewer builder....27
Permit to excavate....27
Nuisance on premises....27
Fire precaution....27
Stables, etc....27
Personating firemen....28
Ashes....28
Loitering....28
Lamp posts....28
Running at large of fowls....28
Chickens....28
Bees....28

Ordinances.
Record and proof of publication....28
Take effect....28
Repeal....28
Prosecutor to elect....28
How constructed....28
Gender and number....29
Time of notice....29

Partition Fences.
Cost of expense....29
Notice....29
Failure to comply....26
Material and style....29
To pay half....29
Encroachment....29

Party Walls.
Viewers....29
Notice of meeting....29
Service....30
Publications....30
Meeting of viewers....30
Specifications....30
Pay of viewers....31

Pawnbrokers.
Obtain license....31
What constitutes....31
Give bond....31
Limitation....31
Register....31
Books kept....31
Officer may inspect....31
Minors....31
Revoke license....32

Peddlers.
License....32
Cost of license....32
Fraud and cheat....32
Name and number of vehicle....32
Permits for vaults, etc....42
Personating city officers....26
Personating fireman....28

Petroleum, &c.
How kept....32
Store house....33
Lamps or candles....33
Playing on Sunday....26

Playing Tables.
Kept for gain....33
Commutation certificate....33

Police.
Established....33
Board of police commissioners....33
Duties and powers of the board....33
To establish rules....33
Report to council....34
Vacancies how filled....34
Compensation....34
Police whistles....27
Portable engines....26
Posters defacing....25
Porch, projection of....43

Pound.
See animals.
Privy vaults....26

Railroads.
Rate of speed....26, 34
Crossings, not to stop on....34
Uncouple at crossings....34
Head lights....34
Blowing whistles....34
Ring bell....34
Sign board at city limits....34
Copies of city ordinances and names of employes furnished....34
Blowing off steam....35
Flagman....35
Calhoun street crossing....35
Gates across streets....47
Real estate, injury to....27
Remitter of fines....35
Riding on sidewalks....40

Rubbish.
Hauling of....26
Removal....46

School Trustees.
Report to council....35
Special report....36
Seal....36

Sewers and Drains.
Connections how made....36
Extra penalty....36
Permit from engineer....36
Excavation for....37
Material....37
Grade of connections....37
Inlets, how protected....37
Backwater, how guarded against....37
Old drains and pipes encountered....37
Party not assessed pay forty dollars....37
Permits....37
License....38
Licensed sewer builder....27, 38
Garbage, etc., not to be thrown in....38
Injure or obstruct....38
Not connect with unfinished sewer....38
Inspector....38
Shade trees....41

Sidewalks.
Widths....39
Grade given by engineer....39
Repairs....39
Street commissioner make repairs....39
Cellar doors....40
Awnings....40
Signs and posts....40
Clothing, boxes, etc., in front of store....40
Receiving and delivery of goods....40
Obstruction in selling goods....40
Riding or driving on....26, 40
Cross-walks kept clear....41
Removal of obstructions....41
Tear up or injure....47

Sidewalks—*Continued.*

Building material....41
Shade trees....41
Trimming trees....41
Cellars, vaults, coal holes, etc....41
Obstructions....42
Washing pavements and windows....42
Snow and ice removed....42
To report accidents....42
Slope, projections, etc....42
Permits for vaults, areas, etc....42
Permit shall specify....42
Space for lamp posts and hydrants reserved....42
Violations....42
Coal hole and area covers....43
Owners responsible for damages....43
Injury to person or property....43
Grates and covers moved....43
Boilers, inflammable material....43
Owner notified to repair....43
Projection of porch, windows, etc....43
Kept in repairs....27
Encroachments on, etc....25

Signs and banners....27
Signs and posts....40

Slaughter Houses.

See nuisances.

Slaughtering animals....27
Slops, hauling of....26

Smoke Stacks.

How constructed....44
A public nuisance....44

Snow and ice removed....42

Soap Factory.

See nuisances.

Speed.

Rate of driving....26
Rate of cars....26, 34

Stables, etc....27
Street cars, keep off....26

Street Commissioner.

Keep check roll and record....44
Remove obstructions, etc....44
Repair sewers and bridges....44
Let by contract....45
Inspect sewers and drains....45
May employ clerk....45

Streets and Alleys.

House numbers....45
Certificate of clerk....45
Size of number....45
Number affixed....46
Obstruction while building....46
Encumber with material, etc....46
Removal of rubbish, etc....46
Unhitched vehicles....46
Feeding animals....46
Erecting buildings on....46
Obstruction by teams, how regulated....46
Dig up or excavate....46
Tear up or injure pavement....47

Streets and Alleys—*Continued.*

Straw, paper, chips, etc....47
Hinder while repairing....47
Railroad gates....47
Wagon tires....47
Prepare building materials....47
Drive cutter....47
New pavement cleaned....47
Inspector....48
Barricades....48
Not to obstruct....48
Sale of animals and vehicles....48
Laying pipes and paving streets....48
Private lamp posts....48
Illuminated clocks....48
Drinking fountains....48
Barricades and red lights....49
Red lights and fences....49
Red lights and barricades, how placed....49
Answerable for damages....49
Officers to enforce compliance....50

Street and alley cleaning.

Property owners to clean....50
Street commissioner to notify....50
Duty of owner....50
Street commissioner to report to council....50

Swine....26

Tannery, see nuisances.
Throwing stones....25
Transcript....51
Trespass on lots....27
Trimming trees....41

Vehicles.

Unhitched....25, 46
License and bond....51
Clerk to keep register....51
Name and number....51
Lamps....51
Drivers....51
License fees....52
Rates of fare....52
Soliciting, racing, etc....53
Extortion....53
Cartage of merchandise....53
Cards of rates kept posted....53
Hack and dray stands....53

Wagon tires....47

Wards.

Boundaries of first ward....53
Boundaries of second ward....54
Boundaries of third ward....54
Boundaries of fourth ward....54
Boundaries of fifth ward....54
Boundaries of sixth ward....54
Boundaries of seventh ward....54
Boundaries of eighth ward....54
Boundaries of ninth ward....54

Windows.

Washing....42
Projection of....43

Weights and measures, see Markets.

Wood, see City Weigher.

Leucadia Calif. Nov. I4 - 54.

Mr. Clyde Dresback.
Ft. Wayne Ind.

Hello Folks;

My very good Friend Admiral Short - who is settling the Col. Reese estate - run across this old record of Ft.Wayne,,he thought it might interest me - so gave it, now I am of the opinion - it might be of interest to you - so will pass it on - it may bring a laugh to som of the old Timers there.. All is well at this end of the line,my - buisness is good - my health I00% still single - and happy - also - - the weather is ideal - we had a much needed rain,one commodity we are short on most of the time. Nick (my buddy) and I made a trip up to Oregon on fishing - done real well and had a good time as usual - that is the second trip this year - I love that country - the Mts.and streams - and the time to enjoy life is while we are YOUNG?

Clyde - why dont you and the good wife take time off and run down this way this winter? would be pleased to see you - will find room for you. No news of interest - so regards and best wishes,

Joe H. Cory.
Box 693. Leucadia Calif.